6–10–96
Vol. 61 No. 112
Pages 29267–29458

Monday
June 10, 1996

Federal Register

Briefings on How To Use the Federal Register
For information on briefings in Chicago, IL, and Washington, DC, see announcement on the inside cover of this issue.

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The Federal Register provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The seal of the National Archives and Records Administration authenticates this issue of the Federal Register as the official serial publication established under the Federal Register Act. 44 U.S.C. 1507 provides that the contents of the Federal Register shall be judicially noticed.

The Federal Register is published in paper, 24x microfiche and as an online database through *GPO Access*, a service of the U.S. Government Printing Office. The online database is updated by 6 a.m. each day the Federal Register is published. The database includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward. Free public access is available on a Wide Area Information Server (WAIS) through the Internet and via asynchronous dial-in. Internet users can access the database by using the World Wide Web; the Superintendent of Documents home page address is http://www.access.gpo.gov/su_docs/, by using local WAIS client software, or by telnet to swais.access.gpo.gov, then login as guest, (no password required). Dial-in users should use communications software and modem to call (202) 512–1661; type swais, then login as guest (no password required). For general information about *GPO Access*, contact the *GPO Access* User Support Team by sending Internet e-mail to gpoaccess@gpo.gov; by faxing to (202) 512–1262; or by calling (202) 512–1530 between 7 a.m. and 5 p.m. Eastern time, Monday–Friday, except for Federal holidays.

The annual subscription price for the Federal Register paper edition is $494, or $544 for a combined Federal Register, Federal Register Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the Federal Register including the Federal Register Index and LSA is $433. Six month subscriptions are available for one-half the annual rate. The charge for individual copies in paper form is $8.00 for each issue, or $8.00 for each group of pages as actually bound; or $1.50 for each issue in microfiche form. All prices include regular domestic postage and handling. International customers please add 25% for foreign handling. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA or MasterCard. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954.

There are no restrictions on the republication of material appearing in the Federal Register.

How To Cite This Publication: Use the volume number and the page number. Example: 61 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC
- Subscriptions:
  - Paper or fiche 202–512–1800
  - Assistance with public subscriptions 512–1806
- General online information 202–512–1530
- Single copies/back copies:
  - Paper or fiche 512–1800
  - Assistance with public single copies 512–1803

FEDERAL AGENCIES
- Subscriptions:
  - Paper or fiche 523–5243
  - Assistance with Federal agency subscriptions 523–5243

For other telephone numbers, see the Reader Aids section at the end of this issue.

FEDERAL REGISTER WORKSHOP

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: Sponsored by the Office of the Federal Register.

WHAT: Free public briefings (approximately 3 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

CHICAGO, IL

[Two Sessions]

WHEN: June 11, 1996:
9:00 am–12:00 pm
1:30 pm–4:30 pm

WHERE: Metcalfe Federal Building, Conference Room 328, 77 West Jackson, Chicago, Illinois 60604

RESERVATIONS: 1–800–688–9889

WASHINGTON, DC

[Two Sessions]

WHEN: June 18, 1996 at 9:00 am, and
June 25, 1996 at 9:00 am

WHERE: Office of the Federal Register Conference Room, 800 North Capitol Street, NW., Washington, DC (3 blocks north of Union Station Metro)

RESERVATIONS: 202–523–4538

Contents

Federal Register
Vol. 61, No. 112
Monday, June 10, 1996

Reader Aids
Additional information, including a list of public laws, telephone numbers, reminders, and finding aids, appears in the Reader Aids section at the end of this issue.

Electronic Bulletin Board
Free Electronic Bulletin Board service for Public Law numbers, Federal Register finding aids, and a list of documents on public inspection is available on 202–275–1538 or 275–0920.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

Rules and Regulations

Federal Register
Vol. 61, No. 112
Monday, June 10, 1996

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 93–NM–133–AD; Amendment 39–9658; AD 96–12–15]

RIN 2120–AA64

Airworthiness Directives; Airbus Industrie Model A300, A310, and A300–600 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Airbus Model A300, A310, and A300–600 series airplanes, that requires inspections to detect missing fasteners, cracked fitting angles, and elongated fastener holes in certain frames, and correction of discrepancies. It also provides an optional terminating action. This amendment is prompted by discrepancies found at the fitting angles on the frame at which a certain electronic rack is attached. The actions specified by this AD are intended to prevent damage propagation that could lead to failure of the rack-to-structure attachment points, and subsequently could result in loss of airplane systems, structural damage, and possible electrical arcing.

DATES: Effective July 15, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 15, 1996.

ADDRESSES: The service information referenced in this AD may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Tim Backman, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2797; fax (206) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Airbus Model A300, A310, and A300–600 series airplanes was published in the Federal Register as a supplemental notice of proposed rulemaking on February 12, 1996 (61 FR 5326). That action proposed to require inspections to detect missing fasteners, cracked fitting angles, and elongated fastener holes in certain frames, and correction of discrepancies. It also proposed to provide an optional terminating action.

Discussion of Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The commenter supports the proposed rule.

Conclusion

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

The FAA estimates that 78 Airbus Model A300, A310, and A300–600 series airplanes of U.S. registry will be affected by this AD, that it will take approximately 1.5 work hours per airplane to accomplish the required inspections, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $7,020, or $90 per airplane, per inspection.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Should an operator elect to accomplish the optional terminating action that is provided by this AD action, rather than continue the repetitive inspections, it will take approximately 7 work hours to accomplish it, at an average labor rate of $60 per work hour. The cost of required parts will be approximately $1,615 per airplane. Based on these figures, the cost impact of the optional terminating action will be $2,035 per airplane.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 USC 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

96–12–15 Airbus Industrie: Amendment 39–9658. Docket 93–NM–133–AD.

Applicability: Model A300 series airplanes listed in Airbus Service Bulletin A300–53–0300, dated October 28, 1993; Model A310 series airplanes listed in Airbus Service Bulletin A310–53–2077, dated October 28, 1993; and Model A300–600 series airplanes listed in Airbus Service Bulletin A300–53–6055, dated October 28, 1993; on which Airbus Modification No. 10414 or production equivalent has not been installed; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (g) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the electric rack-to-structure attachment points, which could subsequently result in loss of airplane systems, structural damage, and possible electrical arcing, accomplish the following:

(a) Prior to the accumulation of 7,000 total flight cycles, or within 50 flight cycles after the effective date of this AD, whichever occurs later, perform a detailed visual inspection of the right-and left-hand lower attachments of electric rack 101VU, including the crossbeams at frames 15A and 16, to detect missing fasteners, cracked fitting angles, or elongated fastener holes, in accordance with Airbus Service Bulletin A300–53–0300 (for Model A300 series airplanes), dated October 28, 1993; Airbus Service Bulletin A310–53–2077 (for Model A310 series airplanes), dated October 28, 1993; or Airbus Service Bulletin A300–53–6055 (for Model A300–600 series airplanes), dated October 28, 1993; as applicable.

Note 2: Inspections accomplished in accordance with Airbus Industrie All Operator Telex (AOT) 53–03, Revision 3, dated December 23, 1992, prior to the effective date of this AD, are considered acceptable for compliance with the inspection requirements of this paragraph.

(b) If no discrepancies are identified during the inspection required by paragraph (a) of this AD, repeat the detailed visual inspection thereafter at intervals not to exceed 2,300 flight cycles.

(c) If any fastener is missing or is found to be damaged during any inspection required by this AD, prior to further flight, replace the fastener in accordance with Airbus Service Bulletin A300–53–0300 (for Model A300 series airplanes), dated October 28, 1993; Airbus Service Bulletin A310–53–2077 (for Model A310 series airplanes), dated October 28, 1993; or Airbus Service Bulletin A300–53–6055 (for Model A300–600 series airplanes), dated October 28, 1993; as applicable.

(d) If any fitting angle is found to be cracked during any inspection required by this AD, prior to further flight, install Modification No. 10414 in accordance with Airbus Service Bulletin A300–53–0294 (for Model A300 series airplanes), dated May 17, 1993; Airbus Service Bulletin A310–53–2076 (for Model A310 series airplanes), dated May 17, 1993; or Airbus Service Bulletin A300–53–6046 (for Model A300–600 series airplanes), dated May 17, 1993; as applicable. Installation of this modification constitutes terminating action for the inspections required by this AD.

(e) If any crossbeam is found damaged during any inspection required by this AD, prior to further flight, repair it in accordance with a method approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

(f) Installation of Modification No. 10414 in accordance with Airbus Service Bulletin A300–53–0294 (for Model A300 series airplanes), dated May 17, 1993; Airbus Service Bulletin A310–53–2076 (for Model A310 series airplanes), dated May 17, 1993; or Airbus Service Bulletin A300–53–6046 (for Model A300–600 series airplanes), dated May 17, 1993; as applicable; constitutes terminating action for the inspections required by this AD.

(g) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

(h) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished. (i) The inspections and replacement shall be done in accordance with Airbus Service Bulletin A300–53–0300, dated October 28, 1993; Airbus Service Bulletin A310–53–2077, dated October 28, 1993; or Airbus Service Bulletin A300–53–6055, dated October 28, 1993; as applicable. The modification shall be done in accordance with the following Airbus service bulletins, which contain the specified effective pages:

Service bulletin referenced and date	Page No.	Revision level shown on page	Date shown on page
A300–53–0294, May 17, 1993	1–34,	Original	May 17, 1993.
A310–53–2076, May 17, 1993	1–34	Original	May 17, 1993.
A300–53–6046, Revision 1, Apr. 5, 1994	1, 4, 11, 14–18, 21, 22, 25–31.	1	Apr. 5, 1994
	2, 3, 5–10, 12, 13, 19, 20, 23, 24, 32.	Original	May 17, 1993.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Airbus Industrie, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(j) This amendment becomes effective on July 15, 1996.

Issued in Renton, Washington, on May 31, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–14230 Filed 6–7–96; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 95–NM–43–AD; Amendment 39–9660; AD 96–12–17]

RIN 2120–AA64

Airworthiness Directives; Beech (Raytheon) Model BAe 125 Series 800A and 1000A, and Model Hawker 800 and 1000 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Beech (Raytheon) Model BAe 125 series 800A and 1000A, and Model Hawker 800 and 1000 airplanes, that requires an inspection to determine if the diode soldered connections are clean and functionally sound. This amendment also requires remake of the soldered connection and replacement of the diode with a new diode, if necessary. This amendment is prompted by reports of imperfect soldered connections in the engine starting and battery emergency control circuit. The actions specified by this AD are intended to prevent incorrect fault displays in the cockpit and intermittent fault symptoms in the engine starting and battery emergency control circuits, as a result of imperfect soldered connections.

DATES: Effective July 15, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 15, 1996.

ADDRESSES: The service information referenced in this AD may be obtained from Raytheon Aircraft Company, Manager Service Engineering, Hawker Customer Support Department, P.O. Box 85, Wichita, Kansas 67201–0085. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Tim Backman, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2797; fax (206) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Beech (Raytheon) Model BAe 125 series 800A and 1000A, and Model Hawker 800 and 1000 airplanes was published in the Federal Register on September 15, 1995 (60 FR 47903). That action proposed to require an inspection to determine if the diode soldered connections are clean and functionally sound. That action also proposed to require remake of the soldered connection or replacement of the diode with a new diode, if necessary.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Requests to Revise the Applicability of the AD

Two commenters request that the applicability of the proposed rule be revised to include all the airplane serial numbers listed in Hawker Service Bulletin SB 24–317, and that the letter ''A'' (i.e., U.S.-type certificated) designation for Model BAe 125 series 800 and 1000 airplanes be deleted. One of these commenters states that the effectivity listing contained in Hawker Service Bulletin SB 24–317 (which was referenced in the proposal as the appropriate source of service information) does not specify either the model suffix ''A'' or the model suffix ''B'' (i.e., CAA type certificated) for any of the affected airplanes.

Therefore, the commenter points out that the effectivity listing of the service bulletin covers the worldwide fleet, not just U.S.-registered airplanes.

The other commenter, the Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, also asserts that the applicability of the proposal is incorrect since it does not cover the worldwide fleet. This commenter adds that, as of August 1, 1995, the type certificate (TC) responsibilities for Model BAe 125 series 800 and 1000, and Model Hawker 800 and 1000 airplanes have been transferred from the CAA to the FAA. This commenter adds that it is important to note that, since this transfer, AD's issued by the FAA must cover all of these airplane models, as appropriate, and not just those on the U.S. Register.

This commenter also notes that the proposed applicability would result in confusion among operators and will not fulfill the obligation of the FAA with the International Civil Aviation Organization (ICAO). This commenter asserts that the current Type Certificate Data Sheet (TCDS), A3EU (Revision 24, dated August 1, 1995), indicates that the FAA accepted the responsibility for the promulgation of all airworthiness information relevant to the subject airplanes in accordance with ICAO Annex 8. The commenter contends that, since the FAA is now responsible for the continued airworthiness of all airplanes listed in TCDS A3EU (which includes Model BAe 125 series 800A, 800B, 1000A, and 1000B, and Model Hawker 800 and 1000 airplanes), the applicability of the proposal should include all of the Model BAe 125 series 800 and 1000 airplanes, not just those airplanes having a letter designation of ''A.''

The FAA does not agree with the commenters' specific request to revise the applicability of the final rule, but recognizes that some clarification is necessary. The airplane models that are the subject of this AD were originally designed and manufactured in the United Kingdom. The CAA issued Type and Airworthiness Certificates for these affected airplanes. Therefore, under ICAO Annex 8, the United Kingdom was the State of Design and had the responsibility for providing other states with continuing airworthiness information regarding these models.

However, as of August 1, 1995, the responsibility of design, continued airworthiness, design data, and manufacturing (i.e., TC responsibilities) for all Model DH/HS/BH/BAe 125 and Model Hawker 800 and 1000 airplanes, has been transferred from Raytheon Corporate Jets, Inc., Hatfield, United Kingdom, to Beech Aircraft Corporation (Raytheon), Wichita, Kansas, U.S.A. As a result of this transfer, Revision 24 of TCDS A3EU was issued, as discussed by one of the commenters.

The FAA has reexamined TCDS A3EU and finds that the text of the TCDS correctly reflects U.S. type-certificated airplanes (i.e., models having the letter

designation ''A''); however, the letter designation ''A'' was erroneously left off certain U.S. type-certificated models in the applicability block of the TCDS. Therefore, operators could misinterpret the applicability block to mean that all Model BAe 125 series 800 and 1000, including those models with letter designation ''B'' (i.e., non-U.S. type-certificated airplanes), are type certificated for operation in the U.S. In light of this, the FAA is considering revising TCDS A3EU to add the letter designation ''A'' for U.S. type-certificated airplanes in order to clarify that only those models are type certificated for operation in the U.S.

The FAA only has responsibilities under ICAO Annex 8, such as the promulgation of all airworthiness information, with respect to models that have been type certificated in the U.S.; the FAA cannot assume such responsibilities for airplane models that have not been type certificated in the U.S. Nevertheless, the FAA recognizes that Model BAe 125 series 800B and BAe 125 series 1000B airplanes are similar in design to the airplanes that are subject to the requirements of this AD and, therefore, also may be subject to the unsafe condition addressed by this AD. Therefore, the FAA has included a new NOTE in the final rule that will advise the airworthiness authorities of countries in which the Model BAe 125 series 800B and BAe 125 series 1000B airplanes are approved for operation that those countries should consider adopting corrective action, applicable to those models, that is similar to the corrective action required by this AD.

Additionally, the FAA has reviewed Hawker Service Bulletin SB 24–317 and acknowledges that its effectivity listing does not specify a suffix of ''A'' or ''B'' for the affected airplanes. However, the FAA finds that, under parts 39 (''Airworthiness Directives'') and 91 (''General Operating and Flight Rules'') of the Federal Aviation Regulations (14 CFR parts 39 and 91), it is the responsibility of the owner/operator to review the applicability of the AD to determine if its airplane is affected. The FAA points out that the applicability of an AD only includes affected airplane models that are currently U.S. type certificated, even though the effectivity listing of the service bulletin may include airplane models that are not U.S. type certificated. Therefore, the FAA points out that only U.S.-registered airplanes are required to comply with the requirements of this AD.

Request to Revise Name and Address of Type Certificate Holder

One commenter requests that the name ''Raytheon Corporate Jets'' be revised throughout the proposed rule to the current type certificate holder, ''Beech Aircraft Corporation.'' The commenter also requests that the address for obtaining service information be revised to ''Raytheon Aircraft Company, Manager Service Engineering, Hawker Customer Support Department, P.O. Box 85, Wichita, Kansas 67201–0085.''

The FAA concurs and, accordingly, has revised the name of the type certificate holder and the address for service information throughout this final rule.

Correction of Designation of Affected Airplanes

The FAA has revised the final rule to correctly designate the affected airplane models as ''Beech (Raytheon) Model BAe 125 series 800A and 1000A, and Model Hawker 800 and 1000 airplanes.''

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

The FAA estimates that 19 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $1,140, or $60 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

96–12–17 Beech Aircraft Corporation (Formerly DeHavilland; Hawker Siddeley; British Aerospace, PLC; Raytheon Corporate Jets, Inc.): Amendment 39–9660. Docket 95–NM–43–AD.

Applicability: Model BAe 125 series 800A and 1000A, and Model Hawker 800 and 1000 airplanes; as listed in Raytheon Corporate Jets Hawker Service Bulletin SB 24–317, dated December 22, 1994; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not

been eliminated, the request should include specific proposed actions to address it.

Note 2: Beech (Raytheon) Model BAe 125 series 800B and BAe 125 series 1000B airplanes are similar in design to the airplanes that are subject to the requirements of this AD and, therefore, also may be subject to the unsafe condition addressed by this AD. However, as of the effective date of this AD, those models are not type certificated for operation in the United States. Airworthiness authorities of countries in which the Model BAe 125 series 800B and BAe 125 series 1000B airplanes are approved for operation should consider adopting corrective action, applicable to those models, that is similar to the corrective action required by this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent incorrect fault displays in the cockpit and intermittent fault symptoms in the engine starting and battery emergency control circuits, as a result of imperfect soldered connections, accomplish the following:

(a) Within 6 months after the effective date of this AD, perform an inspection to determine if each diode soldered connection is clean and functionally sound, in accordance with Hawker Service Bulletin SB 24–317, dated December 22, 1994. If any diode soldered connection is not clean or not functionally sound, prior to further flight, remake the soldered connection or replace the diode with a new diode, in accordance with the service bulletin.

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(d) The inspection, remake, and replacement shall be done in accordance with Hawker Service Bulletin SB 24–317, dated December 22, 1994. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Raytheon Corporate Jets, Inc., Customer Support Department, Adams Field, P.O. Box 3356, Little Rock, Arkansas 72203. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) This amendment becomes effective on July 15, 1996.

Issued in Renton, Washington, on May 31, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–14226 Filed 6–7–96; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 93–ANE–48; Amendment 39–9586; AD 96–09–10]

RIN 2120–AA64

Airworthiness Directives; Textron Lycoming Reciprocating Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Textron Lycoming reciprocating engines, that currently requires replacement of sintered iron impellers in oil pumps. This amendment continues to require replacement of sintered iron impellers, but also requires replacement of aluminum impellers. This amendment is prompted by reports of additional oil pump failures caused by aluminum impellers, which do not have the reliability of the hardened steel impellers. The actions specified by this AD are intended to prevent an oil pump failure due to impeller failure, which could result in an engine failure.

DATES: Effective July 15, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 15, 1996.

ADDRESSES: The service information referenced in this AD may be obtained from any Textron Lycoming Distributor or Textron Lycoming, Reciprocating Engine Division, 652 Oliver St., Williamsport, PA 17701; telephone (717) 327–7278, fax (717) 327–7022. This information may be examined at the Federal Aviation Administration (FAA), New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA 01803–5299; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Richard Fiesel, Aerospace Engineer, New York Aircraft Certification Office, FAA, Engine and Propeller Directorate, 10 Fifth Street, Valley Stream, NY 11581; telephone (516) 256–7504, fax (516) 568–2716.

SUPPLEMENTARY INFORMATION: On August 14, 1981, the Federal Aviation Administration (FAA) issued airworthiness directive (AD) 81–18–04, Amendment 39–4199 (46 FR 43134, August 27, 1981), to require replacement of sintered iron oil pump impellers and oil pump shafts with impellers and shafts made of aluminum or hardened steel in certain Textron Lycoming reciprocating engines. That action was prompted by reports of oil pump failures. Subsequent to the publication of AD 81–18–04, the FAA issued two revisions to AD 81–18–04; they are: 81–18–04R1, Amendment 39–4258 (46 FR 56157, November 16, 1981), effective November 19, 1981, and AD 81–18–04R2, Amendment 39–4395 (47 FR 23691, June 1, 1982), effective June 7, 1982.

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 81–18–04R2 was published in the Federal Register on January 3, 1994 (59 FR 35). That action proposed to require replacing sintered iron and aluminum impellers and shafts with hardened steel impellers and shafts, in accordance with Avco Lycoming Division Service Bulletin (SB) No. 381C, dated November 7, 1975; Avco Lycoming Textron SB No. 385C, dated October 3, 1975; Avco Lycoming Textron SB No. 454 B, dated January 2, 1987; Avco Lycoming Textron SB No. 455 D, dated January 2, 1987; and Textron Lycoming SB No. 456 F, dated February 8, 1993.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Several commenters state that it is not necessary to replace the aluminum impeller with a steel impeller, as they consider the aluminum impeller's reliability to be adequate. The FAA does not concur. The FAA's analysis of seven years of Service Difficulty Reports indicates that the aluminum impeller does not have the reliability of the hardened steel impeller and is only slightly more reliable that the sintered iron impeller. Based on that analysis the FAA has issued Safety Recommendation 92.052 that recommends replacement of the aluminum impeller within 100 hours time in service (TIS).

Several commenters state that the aluminum impeller should be replaced at overhaul rather than at 750 hours TIS because of the difficulty of accomplishing the modification without engine disassembly and thereby

possibly introducing maintenance errors with resultant engine failure. The FAA concurs. The FAA has revised the compliance time for replacement of the aluminum impeller from within 750 hours after the effective date of the AD to the next overhaul. However, the FAA has included a calendar end-date of five years after the effective date of this AD. Considering the low time accumulation rate for the types of aircraft involved, a large percentage will reach 500–750 hours TIS within five years.

Some commenters question the accuracy of 4,000 as the number of affected engines. The FAA concurs. The 4,000 number was carried over from AD 81–18–04 and represented the number of engines that incorporated the sintered iron impeller. The number of aluminum impellers, Part Number LW–13775, installed in engines is much greater. The FAA estimates 45,000 aluminum impellers in service. The FAA has therefore revised the economic analysis to account for this greater number.

One commenter states that the AD omits a required modification of older pump housings, as referenced in SB's 1164 and 1341. The FAA does not concur. The earlier configuration incorporates a fixed shaft and cotter pin with a different aluminum impeller. That configuration is not affected by this AD. The FAA has clarified the applicability of this AD to state that only aluminum impellers, P/N LW 13775, are affected.

Some commenters state that only aluminum impellers, P/N LW 13775, should be affected by this AD. The FAA concurs and has revised this AD accordingly.

One commenter states that the AD addresses three different categories of engines as indicated in SB's 454, 455, and 456, and therefore should address each engine type separately. The FAA does not concur. The NPRM combined the engines that are affected by SB 454 and SB 455 because these engines have a similar design, are affected by the same unsafe condition, and have the same compliance requirements. The FAA has determined that combining the engine types eliminates redundancy and makes for easier reading. Textron Lycoming is in the process of issuing a new SB to replace SB's 454, 455, and 456.

One commenter states that the AD should address only Textron Lycoming impellers, P/N LW 13775, because impellers manufactured by other companies under a FAA Parts Manufacturer Approval (PMA) have excellent reliability. The FAA does not concur. The FAA's analysis of the Service Difficulty Reports and Accident/Incident reports does not support distinguishing between impellers manufactured by Textron and impellers manufactured by other companies. The Service Difficulty Reports do not always list the P/N, or manufacturer, of the failed impeller. Some are simply referred to as ''aluminum impeller.'' Also, the format of the Accident/Incident Reports does not include P/N. Therefore, unless it can be shown by reliability data that a PMA part has a significantly better failure rate than does Textron P/N LW 13775, the FAA must include all similar aluminum impellers in the AD.

One commenter states that all sintered iron impellers should be removed within 25 hours TIS. The FAA does not concur. This AD reduces the compliance time from 2,000 hours TIS to 100 hours TIS for engines affected by SB 456. The FAA has determined that a further reduction to 25 hours TIS is not justified, and would cause an undue hardship to operators.

Since publication of the NPRM, the FAA has reviewed and approved the technical contents of Textron Lycoming SB No. 524, dated September 1, 1995, that combines the requirements of, and supersedes Service Bulletin 381, 385, 454, 455, and 456; and SI No. 1009AJ, dated July 1, 1992, that describes established time between overhaul (TBO) for Textron Lycoming reciprocating engines.

In addition, this final rule reduces the original time of compliance of certain engines from 2,000 hours, required by paragraph (c) of AD 81–18–04 to 100 hours TIS after the effective date of this AD.

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes described previously. The FAA has determined that these changes will not increase the scope of the AD.

There are approximately 45,000 oil pumps of the affected design installed in Textron Lycoming reciprocating engines in the worldwide fleet. The FAA estimates that 29,000 oil pumps installed on aircraft of U.S. registry will be affected by this AD, that it will take approximately 4.5 work hours per oil pump to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts will cost approximately $270. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $15,660,000.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air Transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 USC 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Amendment 39–4199 (46 FR 43134, August 27, 1981) and by adding a new airworthiness directive, Amendment 39–9586, to read as follows:

96–09–10 Textron Lycoming: Amendment 39–9586. Docket 93–ANE–48. Supersedes AD 81–18–04 R2, Amendment 39–4395.

Applicability: Textron Lycoming O–235, O–290, O–320, IO–320, AIO–320, AEIO–320, LIO–320, O–340, O–360, IO–360, LIO–360, AIO–360, HO–360, HIO–360, LO–360, LIO–360, TIO–360, TO–360, LTO–360, VO–360, IVO–360, O–540, and IO–540 series reciprocating engines, except for the following models: O–320–H2AD, O–360–E1A6D, LO–360–E1A6D, TO–360–E1A6D, LTO–360–E1A6D, IO–540–P1A5, IO–540–R1A5, IO–540–S1A5, and O–540 and IO–540 series engines built with large capacity oil pumps and dual magnetos designated with

''5D'' in the model suffix; for example, IO–540–K1A5D. These engines are installed on but not limited to the following aircraft: various models of single and twin engine powered Cessna, Piper, Mooney, Beech, Gulfstream American, Maule, and Socata.

Note 1: This AD may not contain an exhaustive list of aircraft that utilize the affected engines because other aircraft may have an affected engine installed through, for example, approvals made by Supplemental Type Certificate, or FAA Form 337, ''Major Repair and Alteration.'' It is the responsibility of each aircraft owner, operator, and person returning that aircraft to service to determine if that aircraft has an affected engine.

Note 2: This AD applies to each engine identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For engines that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (f) to request approval from the FAA. This approval may address either no action, if the current configuration eliminates the unsafe condition, or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any engine from the applicability of this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent oil pump failure due to impeller failure, which could result in an engine failure, accomplish the following:

(a) For Textron Lycoming Model HIO–360–D1A, –E1AD, –E1BD, and –F1AD engines with serial numbers (S/N) of L–22579–51A or prior, except for the following: S/N L–22311–51A through L–22313–51A, L–22396–51A, L–22397–51A, L–22416–51A, L–22546–51A through L–22549–51A, L–22563–51A, L–22568–51A through L–22571–51A; for Textron Lycoming Model HIO–360–D1A, –E1AD, –E1BD, and –F1AD engines that were overhauled in the field or remanufactured prior to April 1, 1981, regardless of S/N; and for engines listed by S/N in Textron Lycoming Service Bulletin (SB) No. 455D, dated January 2, 1987; accomplish the following:

(1) Replace the sintered iron oil pump impeller and shaft with a hardened steel impeller and shaft in accordance with Avco Lycoming Textron SB No. 454B, dated January 2, 1987, or Avco Lycoming Textron SB No. 455D, dated January 2, 1987, as applicable, or Textron Lycoming SB No. 524, dated September 1, 1995, within 25 hours time in service (TIS) after the effective date of this AD.

(2) No action is required if engines have complied with AD 81–18–04, 81–18–04 R1, or 81–18–04 R2, and have incorporated oil pumps with a hardened steel impeller and shaft. Engines that incorporate oil pumps fitted with an aluminum impeller and shaft must comply with paragraph (c) of this AD.

(b) For engines listed by S/N in Textron Lycoming SB No. 456F, dated February 8, 1993, or Textron Lycoming SB No. 524, dated September 1, 1995, that incorporate a sintered iron impeller, accomplish the following:

(1) Replace any sintered iron oil pump impeller and shaft with a hardened steel impeller and shaft in accordance with Textron Lycoming SB No. 456F, dated February 8, 1993, or Textron Lycoming SB No. 524, dated September 1, 1995, within 100 hours TIS after the effective date of this AD, or one year after the effective date of this AD, whichever occurs first. Total time on the sintered iron impeller must not exceed 2,000 hours TIS since new or overhaul, whichever occurs later

(2) No action is required if engines have complied with AD 81–18–04, 81–18–04 R1, or 81–18–04 R2, and have incorporated oil pumps with a hardened steel impeller and shaft. Engines that incorporate oil pumps fitted with an aluminum impeller and shaft must comply with paragraph (c) of this AD.

(c) For all other affected engines, replace any aluminum oil pump impeller and shaft assembly with a hardened steel impeller and shaft assembly in accordance with Avco Lycoming Textron SB No. 455D, dated January 2, 1987, or Textron Lycoming SB No. 456F, dated February 8, 1993, or Textron Lycoming SB No. 524, dated September 1, 1995, as applicable, as follows:

(1) Replace at next engine overhaul (not to exceed the hours specified, for the particular engine model, in Textron Lycoming Service Instruction 1009AJ, dated July 1, 1992), at next oil pump removal, or 5 years after the effective date of this AD, whichever occurs first.

(2) No action is required if engines have complied with AD 81–18–04, 81–18–04 R1, or 81–18–04 R2, and have incorporated oil pumps with a hardened steel impeller and shaft.

Note: Engines originally manufactured prior to 1970 did not incorporate sintered iron impellers. For further information, refer to engine maintenance/overhaul logbook records, Lycoming build records, and the following SB's provide additional guidance: Avco Lycoming Division SB No. 381C, dated November 7, 1975, and Avco Lycoming Textron SB No. 385C, dated October 3, 1975, describe a method for determining if the early design oil pump with aluminum/steel impellers are installed. Avco Lycoming SB No. 455A, dated August 18, 1981, and Textron Lycoming SB No. 455B, dated January 2, 1987, and Avco Lycoming SB No. 456, dated August 21, 1981, introduced steel driving impeller, P/N 60746, and aluminum driven impeller, P/N LW13775. Textron Lycoming SB No. 524 includes information regarding engines which may incorporate aluminum impellers

(d) Engines that are subject to AD 75–08–09 must have incorporated AD 75–08–09 before this AD can be accomplished.

(e) Sintered iron and aluminum impellers approved under FAA Parts Manufacturer Approval (PMA) are replacements for affected part numbers of Lycoming impellers and must also be replaced in accordance with paragraphs (a), (b), or (c), as applicable, of this AD.

(f) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, New York Aircraft Certification Office. The request should be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, New York Aircraft Certification Office.

Note: Information concerning the existence of approved alternative method of compliance with this AD, if any, may be obtained from the New York Aircraft Certification Office.

(g) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the aircraft to a location where the requirements of this AD can be accomplished.

(h) The actions required by this AD shall be done in accordance with the following service bulletins:

Document No.	Pages	Date
Avco Lycoming Division SB No. 381C ..... Total pages: 4.	1–4	November 7, 1975.
Avco Lycoming Textron SB No. 385C	1–4	October 3, 1975.
Supplement No. 1 ..... Total pages: 5.	1	March 18, 1977.
Avco Lycoming Textron SB No. 454B ..... Total pages: 3.	1–3	January 2, 1987.
Avco Lycoming Textron SB No. 455D ..... Total pages: 3.	1–3	January 2, 1987.
Textron Lycoming SB No. 456F ..... Total pages: 3.	1–3	February 8, 1993.
Textron Lycoming SB No. 524	1–3	September 1, 1995.
Attachment	1–4	

Document No.	Pages	Date
Total pages: 9. Textron Lycoming SI No. 1009AJ ..... Total pages: 3.	1–3	July 1, 1992.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Textron Lycoming, Reciprocating Engine Division, 652 Oliver St., Williamsport, PA 17701; telephone (717) 327–7278, fax (717) 327–7022. Copies may be inspected at the FAA, New England Region, Office of the Assistant Chief Counsel, 12 New England Executive Park, Burlington, MA; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(i) This amendment becomes effective on July 15, 1996.

Issued in Burlington, Massachusetts, on May 22, 1996.

Robert E. Guyotte,

Acting Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 96–14223 Filed 6–7–96; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 96–NM–109–AD; Amendment 39–9655; AD 96–11–15]

RIN 2120–AA64

Airworthiness Directives; Dornier Model 328–100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This document publishes in the Federal Register an amendment adopting Airworthiness Directive (AD) 96–11–15 that was sent previously to all known U.S. owners and operators of Dornier Model 328–100 series airplanes by individual notices. This AD requires that the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) be revised to restrict flight altitude to a maximum of 10,000 feet mean sea level (MSL). This AD also requires replacement of ''lightweight'' windshields (left and right-hand) with new windshields. This amendment is prompted by reports indicating that the outer face ply of ''lightweight'' windshields (left-hand and right-hand) installed on these airplanes have shattered or cracked while the airplane was in flight. The actions specified by this AD are intended to prevent restriction of the flightcrew's ability to see through the windshields due to shattering or cracking of the windshields, and to continue to control the airplane safely.

DATES: Effective June 17, 1996, to all persons except those persons to whom it was made immediately effective by emergency AD 96–11–15, issued May 24, 1996, which contained the requirements of this amendment.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of June 17, 1996.

Comments for inclusion in the Rules Docket must be received on or before August 9, 1996.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–103, Attention: Rules Docket No. 96–NM–109–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

The applicable service information may be obtained from Dornier Luftfahrt GmbH, P.O. Box 1103, D–82230 Wessling, Germany. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Connie Beane, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2796; fax (206) 227–1320.

SUPPLEMENTARY INFORMATION: On May 24, 1996, the FAA issued emergency AD 96–11–15, which is applicable to all Dornier Model 328–100 series airplanes. That action was prompted by reports indicating that the outer face ply of ''lightweight'' windshields (left-hand and right-hand) installed on several of these airplanes had shattered or cracked during flight of the airplane.

Investigation revealed that foreign object damage (FOD) from sand or other runway debris may cause small pits in the windshield. During flight, normal windshield flexing from cabin pressure loads, or normal thermal stresses may result in shattering or cracking of the outer face ply of the windshield. The observed failure rate is such that both the pilot's and copilot's windshields may be affected during the same flight. This condition, if not corrected, could result in a restriction of the flightcrew's ability to see through the windshield, and to continue to control the airplane safely.

The design of these ''lightweight'' windshields may not meet the requirements of the Federal Aviation Regulations, and has not been approved by the FAA for installation on U.S.-registered airplanes. Additionally, the design of these windshields has not been approved by the Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for Germany, for installation on Dornier Model 328–100 series airplanes.

Explanation of Relevant Service Information

Dornier has issued Service Bulletin SB–328–56–165, dated April 19, 1996, which describes procedures for replacing ''lightweight'' windshields with new windshields that are not susceptible to the subject cracking and shattering.

U.S. Type Certification of the Airplane

The Dornier Model 328–100 series airplane is manufactured in Germany and is type certificated for operation in the United States under the provisions of Section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement.

Explanation of the Requirements of the Rule

Since the unsafe condition described is likely to exist or develop on other airplanes of the same type design registered in the United States, the FAA issued emergency AD 95–11–15 to prevent restriction of the flightcrew's ability to see through the windshields due to shattering or cracking of the windshields, and to continue to control the airplane safely. The AD requires that the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) be revised to restrict flight altitude to a maximum of 10,000 feet mean sea level (MSL). This restriction is intended to limit the flexing of the windshield under cabin pressure loads and reduce the potential for cracks to develop.

The AD also requires replacement of ''lightweight'' windshields (left- and right-hand) with new windshields. This

replacement is required to be accomplished in accordance with the Dornier service bulletin described previously.

Additionally, the AD requires that operators submit a report to the FAA within 24 hours following any incident of shattering or cracking of either front windshield. This information will enable the FAA to determine if additional action is warranted.

Operators affected by the AD should note that the Dornier service bulletin recommends that the replacement be accomplished within approximately six months. Additionally, the manufacturer also has advised the FAA that there may be a delay in the availability of the replacement windshields. However, the FAA finds that the urgency associated with addressing the subject unsafe condition requires the replacement to be accomplished within 45 days after receipt of this AD. In developing this compliance time, the FAA considered the safety implications, the availability of replacement parts, and the time necessary to accomplish the replacement. The FAA has determined that sufficient parts can be made available so that the replacement required by this AD can be accomplished within the 45-day compliance time specified in this AD. The FAA is closely monitoring this situation, and may consider additional rulemaking, if warranted, based on any new data received.

Operators affected by the AD also should note that Dornier has advised the FAA that it is currently developing an alternative method of compliance (AMOC) that, if approved, would allow relief from the 10,000 foot MSL altitude limitation contained in paragraph (a) of this AD. The FAA anticipates that this proposal will be submitted in the near future.

Publication and Effectivity of AD

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual notices issued on May 24, 1996, to all known U.S. owners and operators of Dornier 328–100 series airplanes. These conditions still exist, and the AD is hereby published in the Federal Register as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) to make it effective as to all persons.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 96–NM–106–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a ''significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

96–11–15 Dornier: Amendment 39–9655. Docket 96–NM–109–AD.

Applicability: All Model 328–100 series airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been otherwise modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously. To prevent restriction of the flightcrew's ability to see through the windshields due to shattering or cracking of the windshields, and to continue to control the airplane safely; accomplish the following:

(a) For airplanes on which a windshield having Part Number (P/N) 001A561A0000204 is installed on the left-hand side of the cockpit, or on which a windshield having P/

N 001A561A0000205 is installed on the right-hand side of the cockpit: Within 24 hours after receipt of this AD, revise the Limitations Section of the FAA-approved Airplane Flight Manual (AFM) to include the following statement. This may be accomplished by inserting a copy of this AD in the AFM.

''Flight above 10,000 feet mean sea level (MSL) is prohibited.''

(b) For all airplanes: Within 45 days after receipt of this AD, replace any windshield having P/N 001A561A0000204 (left-hand side), or P/N 001A61A0000205 (right-hand side); with a new windshield having P/N 001A561A0000200 (left-hand side), or P/N 001A561A0000201 (right-hand side); in accordance with Dornier Service Bulletin SB–328–56–165, dated April 19, 1996. Following this replacement, the AFM limitation required by paragraph (a) of this AD may be removed.

(c) For all airplanes: Within 24 hours (clock hours, not flight hours) following any incident of shattering or cracking of either front windshield, submit a report containing the serial number of the airplane and the part number of the affected windshield to: Connie Beane, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington 98055–4056; fax (206) 227–1149. This reporting requirement is applicable to findings on all windshields, including the replacement windshields required by paragraph (b) of this AD. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB control number 2120–0056.

(d) As of the date of receipt of this AD, no person shall install a windshield having P/N 001A561A0000204 (left-hand side), or P/N 001A561A0000205 (right-hand side), on any airplane.

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

(f) Special flight permits may be issued in accordance with Sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(g) The replacement shall be done in accordance with Dornier Service Bulletin SB–328–56–165, dated April 19, 1996. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Dornier Luftfahrt GmbH, P.O. Box 1103, D–82230 Wessling, Germany. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(h) This amendment becomes effective on June 17, 1996, to all persons except those persons to whom it was made immediately effective by emergency AD 96–11–15, issued May 24, 1996, which contained the requirements of this amendment.

Issued in Renton, Washington, on May 31, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–14227 Filed 6–7–96; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 95–NM–122–AD; Amendment 39–9659; AD 96–12–16]

RIN 2120–AA64

Airworthiness Directives; Beech (Raytheon) Model BAe 125 Series 800A and Model Hawker 800 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Beech (Raytheon) Model BAe 125 series 800A and Model Hawker 800 airplanes, that requires modification of the airframe structure in the lower area of the fuselage aft of the wing rear spar. For certain airplanes, this amendment also requires a functional test to determine if a particular bolt fouls the flap control system. This amendment is prompted by reports of restricted control of the aileron due to water accumulation that froze in the area around an aileron pulley located in the lower area of the fuselage aft of the wing rear spar. The actions specified by this AD are intended to prevent such water accumulation, which could freeze and result in restricted control of the ailerons; subsequently, this could reduce the pilot's ability to initiate roll control during critical phases of flight.

DATES: Effective July 15, 1996.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 15, 1996.

ADDRESSES: The service information referenced in this AD may be obtained from Raytheon Aircraft Co., Manger Service Engineering, Hawker Customer Support Department, P.O. Box 85, Wichita, Kansas 67201–0085. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: William Schroeder, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–2148; fax (206) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Beech (Raytheon) Model BAe 125 series 800A and Model Hawker 800 airplanes was published in the Federal Register on February 9, 1996 (61 FR 4943). That action proposed to require modification of the airframe structure in the lower area of the fuselage aft of the wing rear spar. For certain airplanes, that action also proposed to require a functional test to determine if a bolt fouls the flap control system.

No Comments Received

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

Editorial Changes Made to the Final Rule

The FAA has revised the final rule to correctly designate the affected airplane models as ''Beech (Raytheon) Model BAe 125 series 800A and Model Hawker 800 airplanes.''

Additionally, a new ''Note 2'' has been added to the final rule to clarify that airworthiness authorities of countries in which Beech (Raytheon) Model BAe 125 series 800B airplanes are approved for operation should consider adopting corrective action that is similar to that required by this AD. Those airplane models are not certificated for operation in the United States, but are similar in design to the affected airplanes and, thus, may be subjected to the same unsafe condition addressed by this AD.

Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has determined that these changes will

neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

The FAA estimates that 163 airplanes of U.S. registry will be affected by this AD, that it will take approximately 25 work hours per airplane to accomplish the required actions, and that the average labor rate is $60 per work hour. Required parts be supplied by the manufacturer at no cost to the operators. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be $244,500, or $1,500 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

96–12–16 Beech Aircraft Corporation. (Formerly deHavilland; Hawker Siddeley; British Aerospace, plc; Raytheon Corporate Jets, Inc.): Amendment 39–9659. Docket 95–NM–122–AD.

Applicability: Model BAe 125 series 800A airplanes (including military variants C–29A and U–125); and Model Hawker 800 airplanes, excluding airplanes having constructor's numbers 258079 and 258213; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Note 2: Beech (Raytheon) Model BAe 125 series 800B airplanes are similar in design to the airplanes that are subject to the requirements of this AD and, therefore, also may be subject to the unsafe condition addressed by this AD. However, as of the effective date of this AD, those models are not type certificated for operations in the United States. Airworthiness authorities of countries in which the Model BAe 125 series 800B airplanes are approved for operation should consider adopting corrective action, applicable to those models, that is similar to the corrective action required by this AD.

Compliance: Required as indicated, unless accomplished previously.

To prevent restricted control of the ailerons, which could reduce the pilot's ability to initiate roll control during critical phases of flight, accomplish the following:

(a) For all airplanes, except Model BAe 125 series 800A airplane having constructor's number 258186: Within 6 months after the effective date of this AD, modify (including functional test) the airframe structure in the lower area of the fuselage aft of the wing rear spar, in accordance with Hawker Service Bulletin SB.53–82–3566G, Revision 3, December 14, 1995.

(b) For airplanes identified in paragraph (a) of this AD on which Hawker Modification 253566G has been installed prior to the effective date of this AD, in accordance with Hawker Service Bulletin SB.53–82–3566G, dated March 1, 1995, Revision 1, dated March 14, 1995, or Revision 2, dated May 3, 1995: Within 30 days after the effective date of this AD, perform a functional test to determine if a bolt fouls the flap control system, in accordance with paragraph 2.A.(18) of the Accomplishment Instructions of Hawker Service Bulletin SB.53–82–3566G, Revision 3, dated December 14, 1995. If any foul is detected, prior to further flight, repair in accordance with a method approved by the Manager, Standardization Branch, ANM–113, Transport Airplane Directorate, FAA.

(c) For Model BAe 125 series 800A airplane having constructor's number 258186: Within 6 months after the effective date of this AD, modify the airframe structure in the lower area of the fuselage aft of the wing rear spar, in accordance with Hawker Service Bulletin SB.53–85–3566D, dated March 10, 1995, or Revision 1, dated May 23, 1995.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM–113. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(f) For certain airplanes, the modification and functional test shall be done in accordance with Hawker Service Bulletin SB.53–82–3566G, Revision 3, dated December 14, 1995. For certain other airplanes, the modification and functional test shall be done in accordance with Hawker Service Bulletin SB.53–85–3566D, dated March 10, 1995, or Hawker Service Bulletin SB.53–85–3566D, Revision 1, dated May 23, 1995. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Raytheon Aircraft Co., Manger Service Engineering, Hawker Customer Support Department, P.O. Box 85, Wichita, Kansas 67201–0085. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on July 15, 1996.

Issued in Renton, Washington, on May 31, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–14229 Filed 6–7–96; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 95–NM–164–AD; Amendment 39–9662; AD 96–12–19]

RIN 2120–AA64

Airworthiness Directives; Fokker Model F28 Mark 0100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain Fokker Model F28 Mark 0100 series airplanes, that requires installation of reinforcement plates under each hook latch fitting on the frame of each large cargo door. For some airplanes, this amendment requires inspections to detect cracking in the area around each hook latch fitting, and repair, if necessary. This amendment is prompted by the results of stress analyses and destructive tests which revealed that fatigue-related cracking may develop in the vicinity of the hook latch fittings on the frame of the large cargo doors. The actions specified by this AD are intended to prevent reduced structural integrity of the frames of the cargo door due to fatigue cracking, which may lead to the cargo door(s) opening while the airplane is in flight.

DATES: Effective July 15, 1996. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 15, 1996.

ADDRESSES: The service information referenced in this AD may be obtained from Fokker Aircraft USA, Inc., 1199 North Fairfax Street, Alexandria, Virginia 22314. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Ruth Harder, Aerospace Engineer, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (206) 227–1721; fax (206) 227–1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain Fokker Model F28 Mark 0100 series airplanes was published in the Federal Register on January 19, 1996 (61 FR 1294). That action proposed to require installation of reinforcement plates under each hook latch fitting on the frame of each large cargo door. For some airplanes, the action proposed to require inspections to detect cracking in the area around each hook latch fitting, and repair, if necessary.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received.

Support for the Proposal

Two commenters support the proposed rule.

Request to Extend Proposed Compliance Time for Installation

One commenter requests that paragraph (a) of the rule be revised to extend the compliance time for accomplishing the installation. The commenter requests that the proposed compliance threshold of 11,000 flight cycles be extended to 16,000 flight cycles, and that the proposed ''grace period'' of 500 flight cycles (after the effective date of the AD) be extended to 2,200 flight cycles. This commenter, a U.S. operator, requests this extension so that its remaining fleet of affected airplanes can be modified during a regularly scheduled ''Q'' check (which occurs at approximately 16,000 flight cycles), and so that this operator can avoid special scheduling of airplanes, which would entail considerable expense over that estimated by the FAA's cost impact analysis. This commenter considers the extension justified because:

1. No cracks have been found on any of the airplanes that it has modified so far, which have accumulated an average of 13,755 total flight cycles; and

2. The proposed compliance threshold was based on only test data and not on in-service experience.

The FAA does not concur with the commenter's request to extend the compliance threshold. The proposed compliance time was developed not only in consideration of the urgency of the safety implications, but in consideration of normal maintenance schedules for timely accomplishment of the modification, and the recommendations of both the airplane manufacturer and the Netherlands airworthiness authority. The FAA determined that 11,000 flight cycles is the maximum acceptable threshold for accomplishing the installation without the need for additional inspections. Any cracking that may develop in the subject area during the period up to the accumulation of 11,000 total flight cycles on the airplane can be fully repaired with the accomplishment of the installation described in Fokker Service Bulletin SBF100–52–050, Revision 1. However, if cracks are not detected and repaired by the 11,000-flight cycle threshold, they could grow to lengths such that the installation would not be sufficient to ensure the long-term structural integrity of the area associated with the cargo door frame, and may even necessitate the replacement of the complete door frame.

In addition, if the compliance threshold were extended beyond the 11,000-flight cycle threshold to 16,000 flight cycles as requested by the commenter, the FAA would find it necessary to require operators to conduct inspections (to detect cracking) during the extended period. Each inspection of the area would take approximately 4.5 hours to accomplish, which is the same amount of time required to accomplish the installation itself. Therefore, delaying the threshold for the installation to 16,000 flight cycles by performing necessary repetitive inspections in the meantime would not reduce operators' workload or costs.

However, the FAA does concur with the commenter's request to extend the ''grace period.'' The FAA has determined that the proposed ''grace period'' of 500 flight cycles may be extended to 1,200 flight cycles, without the need for repetitive inspections beyond the inspection specified in paragraph (b) of the final rule. The FAA bases this determination not only on the safety implications associated with the unsafe condition, but on recent in-service data and inspection results. Accordingly, the FAA has revised paragraph (a) of the final rule to specify a ''grace period'' of 1,200 flight cycles.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

The FAA estimates that 100 airplanes of U.S. registry will be affected by this AD, that it will take approximately 4.5 work hours per airplane to accomplish the required installation, and that the average labor rate is $60 per work hour. Required parts will cost approximately $10,000 per airplane. Based on these figures, the cost impact of the AD on

U.S. operators is estimated to be $1,027,000, or $10,270 per airplane.

The FAA estimates that it would take approximately 4.5 work hours per airplane to accomplish the required inspection (that is required for certain airplanes), and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the required inspection on U.S. operators is estimated to be $270 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. However, the FAA has been advised that the required installation already has been accomplished on at least 8 affected airplanes; therefore, the future cost impact of this AD is reduced by at least $82,160.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

96–12–19 Fokker: Amendment 39–9662. Docket 95–NM–164–AD.

Applicability: Model F28 Mark 0100 series airplanes; as listed in Fokker Service Bulletin SBF100–52–050, Revision 1, dated September 14, 1994; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent reduced structural integrity of the frame of the large cargo door, which may lead to the cargo door(s) opening while the airplane is in flight, accomplish the following:

(a) Prior to the accumulation of 11,000 total flight cycles, or within 1,200 flight cycles after the effective date of this AD, whichever occurs later, install two reinforcement plates under each hook latch fitting on the frame of each large cargo door, in accordance with the Accomplishment Instructions of Fokker Service Bulletin SBF100–52–050, Revision 1, dated September 14, 1994.

(b) For airplanes that have accumulated 11,000 or more total flight cycles at the time of compliance with paragraph (a) of this AD: Concurrent with the accomplishment of the requirements of paragraph (a) of this AD, perform an inspection to detect cracking in the area around each hook latch fitting on the frame of each large cargo door, in accordance with a method approved by the Manager, Standardization Branch, ANM–113, FAA, Transport Airplane Directorate.

(1) If no cracking is detected, no further action is required by this paragraph.

(2) If any cracking is detected, prior to completing the requirements of paragraph (a) of this AD, repair in accordance with a method approved by the Manager, Standardization Branch, ANM–113.

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Standardization Branch, ANM–113. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Standardization Branch, ANM–113.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Standardization Branch, ANM–113.

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(e) The installation shall be done in accordance with Fokker Service Bulletin SBF100–52–050, Revision 1, dated September 14, 1994. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Fokker Aircraft USA, Inc., 1199 North Fairfax Street, Alexandria, Virginia 22314. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(f) This amendment becomes effective on July 15, 1996.

Issued in Renton, Washington, on June 3, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–14382 Filed 6–7–96; 8:45 am]

BILLING CODE 4910–13–U

14 CFR Part 39

[Docket No. 95–NM–10–AD; Amendment 39–9663; AD 96–12–20]

RIN 2120–AA64

Airworthiness Directives; Lockheed Model 382, 382B, 382E, 382F, and 382G Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Lockheed Model 382, 382B, 382E, 382F, and 382G series airplanes, that currently requires visual inspections to detect loose, missing, or deformed fasteners in the upper truss mounts of certain engines, inspections to detect cracking in the associated tangs, and replacement of damaged parts. This amendment adds a requirement for repetitive ultrasonic inspections to detect cracking of the upper tangs and replacement of cracked parts. This amendment also provides for an optional terminating action for the

repetitive inspections, and revises the applicability of the rule to specify groupings of airplanes. This amendment is prompted by reports indicating that fatigue cracking of the tangs of the upper truss mount has been detected. The actions specified by this AD are intended to prevent multiple failures of the upper truss mounts due to problems associated with fatigue cracking, which could adversely affect the integrity of the engine mount structure.

DATES: Effective July 15, 1996.

The incorporation by reference of Hercules Service Bulletin 382–71–20, dated March 18, 1994, as listed in the regulations, is approved by the Director of the Federal Register as of July 15, 1996.

The incorporation by reference of Lockheed Alert Service Bulletin A382–71–19/A82–687, dated December 23, 1993, as listed in the regulations, was approved previously by the Director of the Federal Register as of February 18, 1994 (59 FR 5078, February 3, 1994).

ADDRESSES: The service information referenced in this AD may be obtained from Lockheed Aeronautical Systems Support Company, Field Support Department, Dept. 693, Zone 0755, 2251 Lake Park Drive, Smyrna, Georgia 30080. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, Campus Building, Suite 2–160, 1701 Columbia Avenue, College Park, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Thomas Peters, Aerospace Engineer, ACE–116A, Flight Test Branch, FAA, Small Airplane Directorate; Atlanta Aircraft Certification Office, Campus Building, Suite 2–160, 1701 Columbia Avenue, College Park, Georgia 30337–2748; telephone (404) 305–7367; fax (404) 305–7348.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 94–03–03, amendment 39–8809 (59 FR 5078, February 3, 1994), which is applicable to certain Lockheed Model 382, 382B, 382E, 382F, and 382G series airplanes, was published in the Federal Register on May 16, 1995 (60 FR 26005). That action proposed to supersede AD 94–03–03 to continue to require visual inspections to detect loose, missing, or deformed fasteners in the upper truss mounts of certain engines, inspections to detect cracking in the associated tangs, and replacement of damaged parts with new parts. The action also proposed to add a requirement for repetitive ultrasonic inspections to detect cracking of the upper tangs and replacement of cracked parts with certain new or serviceable parts. That action also proposed to provide for an optional terminating action for the repetitive inspections. Additionally, that action proposed to revise the applicability of the existing rule to specify appropriate groupings of airplanes subject to the rule.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comments received from the sole commenter.

Request to Revise Replacement Requirements for Cracked Upper Tang

The commenter, the manufacturer, requests that paragraph (a)(2) of the proposed rule be revised to change the replacement requirements for the upper tang to specify that, if cracking is found, the operator must replace the truss mount, not the upper tang. The commenter notes that the upper tang is an integral part of the truss mount and it cannot be replaced unless the truss mount itself is replaced.

The FAA concurs. The manufacturer has confirmed that it is impossible to replace the upper tang without replacing the truss mount. From this, the FAA assumes that operators complying with AD 94–03–03 (which contained the requirement to replace the upper tang) would have replaced the truss mount, and not just the upper tang, if replacement was necessary in accordance with paragraph (a)(2) of that AD. In consideration of these factors, the FAA has revised paragraph (a)(2) of this final rule to clarify that the truss mount must be replaced if cracking is found in the upper tang.

Request to Prohibit Installation of Previously Used Truss Mounts

The commenter further requests that references to replacement with a ''serviceable'' truss mount assembly be deleted from the proposal. The commenter states that previously-used truss mounts would have existing fastener holes and, therefore, could not be used as a replacement part, since they would not be able to be installed physically on the airplane.

The FAA concurs. Since a previously-used truss mount cannot be installed on an airplane because of the existing fastener holes, the FAA has deleted this language from paragraphs (a) and (d) of the final rule.

Request to Revise Reference to Structural Repair Manual

The commenter also requests that paragraphs (d)(1) and (d)(2) of the proposed rule, which require replacement of the truss mount assembly, be revised to refer to the Structural Repair Manual, ''Document SMP * * *,'' rather than ''Document SRM * * *'' The commenter states that instructions for replacing the truss mounts are described in Document SMP.

The FAA acknowledges that the commenter is correct, and has revised this reference in this final rule. Additionally, the FAA has corrected the number of that particular document to read ''SMP 583''

Request to Delete Prohibition of Future Installation of Certain Truss Mounts

The commenter requests that paragraph (e) of the proposed rule be deleted. That paragraph would prohibit the installation of certain part-numbered outboard and inboard engine truss mounts on any airplane unless the truss mount had been inspected in accordance with the SRM. That paragraph is meant to preclude the possibility of those truss mounts being entered into service without having the necessary inspection performed. However, the commenter points out three considerations to support its request to delete the proposed requirement:

1. First, the intent of the inspection required by the AD is to detect fatigue damage that is associated with the fastener holes in the truss mounts.

2. Second, a truss mount does not have fastener holes in it until it is installed on the airplane; therefore, a new truss mount would not need to be inspected for fatigue damage, since it would not have accumulated enough time for such damage to occur.

3. Third, if the final rule does not permit the installation of used (''serviceable'') truss mounts, then only new truss mounts—on which fatigue would not be a problem—would be permitted to be installed.

For the reasons specified by the commenter, and in light of the previously discussed changes made to this final rule, the FAA concurs that proposed paragraph (e) is unnecessary. The FAA has deleted it from the final rule.

Conclusion

After careful review of the available data, including the comments noted

above, the FAA has determined that air safety and the public interest require the adoption of the rule with the changes previously described. The FAA has determined that these changes will neither increase the economic burden on any operator nor increase the scope of the AD.

Cost Impact

There are approximately 112 Lockheed Model 382, 382B, 382E, 382F, and 382G series airplanes of the affected design in the worldwide fleet. The FAA estimates that 18 airplanes of U.S. registry will be affected by this AD.

Accomplishment of the visual inspections that were required by AD 94–03–03 and retained in this AD, take approximately 10 work hours per airplane, at an average labor rate of $60 per work hour. Based on these figures, the total cost impact of those inspections on U.S. operators is estimated to be $10,800, or $600 per airplane, per inspection cycle.

Accomplishment of the ultrasonic inspections that are added by this new AD will take approximately 6 work hours per airplane, at an average labor rate of $60 per work hour. Based on these figures, the total cost impact of the inspections on U.S. operators is estimated to be $6,480, or $360 per airplane, per inspection cycle.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. However, it is reasonable to assume that operators currently subject to the requirements of AD 94–03–03 have already implemented the repetitive visual inspections required by that AD.

Should an operator elect to accomplish the optional terminating action that is provided by this AD action, it would take approximately 60 work hours per airplane to accomplish it, at an average labor rate of $60 per work hour. The cost of required parts would be approximately $17,000 per airplane. Based on these figures, the cost impact of the optional terminating action would be $20,600 per airplane.

Regulatory Impact

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 USC 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–8809 (59 FR 5078, February 3, 1994), and by adding a new airworthiness directive (AD), amendment 39–9663, to read as follows:

96–12–20 Lockheed Aeronautical Systems Company: Amendment 39–9663. Docket 95–NM–10–AD. Supersedes AD 94–03–03, amendment 39–8809.

Applicability: Model 382, 382B, 382E, 382F, and 382G series airplanes having serial numbers 3946 through 4512 inclusive, on which the outer wings have been replaced in accordance with Manufacturing End Product (MEP) 12R/13R or MEP 9T/10T; and Model 382E and Model 382G serial airplanes having serial numbers 4561 through 5225 inclusive; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been otherwise modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent multiple failures of the upper truss mounts, which could adversely affect the integrity of the engine mount structure, accomplish the following:

(a) Prior to the accumulation of 15,000 total hours time-in-service since wing replacement (for Model 382, 382B, 382E, and 382F series airplanes on which the outer wings have been replaced in accordance with MEP 12R/13R or MEP 9T/10T); or prior to the accumulation of 15,000 total hours time-in-service (for Model 382G series airplanes); or within 30 days after February 18, 1994 (the effective date of AD 94–03–03, amendment 39–8809), whichever occurs later: Accomplish the requirements of paragraphs (a)(1) and (a)(2) of this AD. Repeat the specified inspections thereafter at intervals not to exceed 300 hours time-in-service or 100 landings, whichever occurs later, until the requirements of paragraph (b) of this AD are accomplished.

(1) Perform a general visual inspection to detect loose, missing, or deformed fasteners on the inboard and outboard upper truss mounts of the No. 1 and No. 4 (left and right outboard) engines, in accordance with Lockheed Alert Service Bulletin A382–71–19/A82–687, dated December 23, 1993. If any loose, missing, or deformed fastener is found, prior to further flight, replace it in accordance with Hercules Structural Repair Manual (SRM), Document Number SMP 583.

(2) Perform a general visual inspection to detect cracking of the truss mount upper tangs of the No. 1 and No. 4 engine truss mounts in accordance with Lockheed Alert Service Bulletin A382–71–19/A82–687, dated December 23, 1993. If cracking is detected in any truss mount upper tang, prior to further flight, replace it with a new engine truss mount in accordance with Hercules SRM, Document Number SMP 583, or in accordance with a method approved by the Manager, Atlanta Aircraft Certification Office (ACO), FAA, Small Airplane Directorate.

(b) Perform an ultrasonic inspection to detect cracking of the upper tangs of the No. 1 outboard and the No. 4 inboard engine truss mounts, in accordance with Hercules Service Bulletin 382–71–20, dated March 18, 1994, at the time specified in paragraph (b)(1) or (b)(2) of this AD, as applicable. Accomplishment of this inspection terminates the inspections required by paragraph (a) of this AD.

(1) For Model 382, 382B, 382E, 382F, and 382G series airplanes on which the outer wings have been replaced in accordance with MEP 12R/13R or MEP 9T/10T: Accomplish the inspection at the earlier of the times specified in paragraphs (b)(1)(i) and (b)(1)(ii) of this AD.

(i) Prior to the accumulation of 15,000 total hours time-in-service since replacement of the outer wings, or within 90 days after the effective date of this AD, whichever occurs later. Or

(ii) Within 300 hours time-in-service or 100 landings, whichever occurs later, following the immediately preceding visual inspection accomplished in accordance with paragraph (a) of this AD.

(2) For Model 382E and 382G series airplanes having serial number 4561 through 5225 inclusive, other than those identified in paragraph (b)(1) of this AD: Accomplish the inspection at the earlier of the times specified in paragraphs (b)(2)(i) and (b)(2)(ii) of this AD.

(i) Prior to the accumulation of 15,000 total hours time-in-service, or within 90 days after the effective date of this AD, whichever occurs later. Or

(ii) Within 300 hours time-in-service or 100 landings, whichever occurs later, following the immediately preceding visual inspection accomplished in accordance with paragraph (a) of this AD.

(c) If no cracking is detected during the inspection required by paragraph (b) of this AD, repeat the inspection thereafter at intervals not to exceed 5,200 hours time-in-service.

(d) If any cracking is detected during the inspection required by paragraph (b) of this AD: Prior to further flight, accomplish the requirements of either paragraph (d)(1) or (d)(2) of this AD.

(1) Replace the truss mount assembly with a new assembly having part number 360013–15, –19, or –23 (for the outboard truss mounts of the No. 1 engine), or part number 360017–15, –19, or –23 (for the inboard truss mounts of the No. 4 engine), as applicable, in accordance with Hercules Structural Repair Manual (SRM), Document Number SMP 583. Prior to the accumulation of 15,000 hours time-in-service after installation of the engine truss mount assembly, perform an ultrasonic inspection as specified in paragraph (b) of this AD. Repeat that inspection thereafter at intervals not to exceed 5,200 hours time-in-service. Or

(2) Replace the truss mount assembly with part number 360013–31 or subsequent (for the truss mounts in the No. 1 outboard engine), or part number 360017–31 or subsequent (for the truss mounts of the No. 4 inboard engine), as applicable, in accordance with SMP 583. Such replacement constitutes terminating action for the requirements of this AD.

(e) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Atlanta ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta ACO.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Manager, Atlanta ACO.

(f) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(g) The ultrasonic inspection shall be done in accordance with Hercules Service Bulletin 382–71–20, dated March 18, 1994. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. The general visual inspections shall be done in accordance with Lockheed Alert Service Bulletin A382–71–19/A82–687, dated December 23, 1993. The incorporation by reference of this document was approved previously by the Director of the Federal Register, in accordance with 5 U.S.C. 552(a) and 1 CFR part 51, as of February 18, 1994 (59 FR 5078, February 3, 1994). Copies may be obtained from Lockheed Aeronautical Systems Support Company, Field Support Department, Dept. 693, Zone 0755, 2251 Lake Park Drive, Smyrna, Georgia 30080. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, Campus Building, Suite 2–160, 1701 Columbia Avenue, College Park, Georgia; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(h) This amendment becomes effective on July 15, 1996.

Issued in Renton, Washington, on June 3, 1996.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 96–14383 Filed 6–7–96; 8:45 am]

BILLING CODE 4910–13–U

Office of the Secretary

14 CFR Part 302

[Docket No. OST–96–1436]

RIN 2105–AC26

Revised Filing Procedures for the OST Docket

AGENCY: Office of the Secretary (OST), DOT.

ACTION: Final rule.

SUMMARY: The Office of the Secretary (OST) is revising its document filing requirements to reduce the number of copies filed and to conform to, and facilitate the scanning of documents into, its new electronic docket system. DOT is consolidating its nine separate docket facilities and converting from a paper-based system to an optical ''imaging'' system for more efficient storage, management, and retrieval of docketed information. These filing requirement changes will assist the new Docket Management Facility in completing its transition to the electronic docket system.

EFFECTIVE DATE: This rule is effective July 10, 1996.

ADDRESSES: The new Docket Management Facility is located on the Plaza Level of the Nassif Building at the U.S. Department of Transportation, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590–0001.

FOR FURTHER INFORMATION CONTACT: Paulette Twine, Chief, Documentary Services Division, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590–0001, Telephone: (202) 366–9329.

SUPPLEMENTARY INFORMATION: The Secretary of Transportation has directed that the Office of the Secretary (OST) and eight of the DOT operating administrations consolidate their separate paper-based docket facilities into a single, central facility and convert to an electronic image-based system. These changes will enable the Department to provide better service and access to the public and to government users.

The Department plans to consolidate the docket facilities of the other DOT agencies sequentially into the new, centralized Docket Management Facility and to expand the capacity of the system as necessary to accommodate each DOT agency. The OST and Federal Transit Administration (FTA) docket facilities have already relocated to the new Docket Management Facility. The consolidation will eliminate duplication, improve records management, enhance docket security, and provide easier public access by creating a single point of entry.

The Department's phased transition from a paper-based docket system to storage of docket records in an electronic format will eliminate paper storage problems, provide users with quicker access to docketed information and more sophisticated search capabilities, and, eventually, provide more efficient electronic transmission of information to and from the Docket Management Facility. To meet the legal requirements that DOT maintain a record of all materials submitted to the dockets and produce certified true copies of docketed information, the docket staff is scanning documents (for OST and FTA at this time) and storing them as images on optical disks.

Read-only optical disks are permanent and unalterable, assuring 100 percent accuracy of the records. Each document page is a separate record in the system and will have its own unique identifying number. The system software relates the separate 20 records of a 20-page document to each other in sequence and gives the document an address reachable through the indexing system. The optical disk system allows more efficient storage and management of docketed information, because a single disk can store hundreds of

documents that are easily accessible through the index. The index provides users with the capability for rapid retrieval and more sophisticated cross-referencing and searching of docketed information. OST plans to backscan existing paper dockets that are currently open and a limited amount of necessary historical or precedential material to optical disks that can be indexed for research purposes.

As part of this transition, the Docket Management Facility will eventually be ''networked'' to Department offices to optimize the document flow within the Department through electronic transmission. Eventually, we plan to encourage and expand electronic filing by public users and provide the capability for remote public access to the electronic docket. We now have computer work stations with an easy-to-use interface available in the new Docket Management Facility for the public to access the electronically stored information. Also, we have placed many OST orders and certain rulemaking documents on the Department's internet web site (http://www.dot.gov/geninfo). The timing of adding electronic filing and remote access capability will depend upon the readiness of the new system and its staff to handle them and upon budgetary considerations.

At this time, the Department's Docket Management Facility will continue to accept only paper filings for an original document. However, to facilitate review and processing by internal offices, a formal paper filing may be accompanied by a 3½ inch disk in one of the following formats: Microsoft Word (or RTF), WordPerfect, Excel, Lotus 1 2 3, or ASCII. We are not scanning into the new system documents for which confidential treatment has been requested. We will continue to store confidential documents in hard copy in a secure location and will place a cross-reference to them in the new docket system. Access to these documents will be granted or denied by Department order, as is done now. If we later decide to scan confidential documents, we will publish a Federal Register notice that describes how the system will ensure the confidentiality of and restrict access to these documents and provides an opportunity for public comment.

To ensure that the highest quality image is captured during the scanning process, revised section 302.3(b)(1) provides that documents must be typed double-spaced on 8½ by 11 inch white paper with dark type (not green) to provide adequate contrast for photographic reproduction. With one exception, original documents must be unbound, without tabs, to reduce possible damage during removal of pins and staples and to facilitate the use of a high-speed feeder mechanism for automated scanning. Documents of more than one page may be clipped with a removable clip or similar device. In cases assigned by order to an Administrative Law Judge for hearing, the filing requirements with respect to tabbing and binding and the number of copies required will be set by order. We prefer that filers provide one-sided original documents to speed the physical scanning process, but we have the software capability to sort double-sided copies.

We recognize that some filings or submissions may not conform to these requirements (e.g., tabbed original exhibit needed by ALJ.) The Docket Management Facility staff has developed procedures for scanning non-conforming documents or storing unscannable documents or exhibits (e.g., rocks, huge blueprints) and cross-referencing them in the system. Since nonconforming documents and materials require special handling, they may take a little longer to show up on the system.

Revised section 302.3(b)(2) requests filers to provide certain information for more rapid and complete indexing of their documents. Many filers already include much of this information in their documents. The Docket Management Facility also has an Expedited Processing Sheet that filers can use to assist in index input, a current copy of which is available on our internet site or from the Docket Management Facility address listed on the first page.

The revisions to section 302.3 are designed to implement the optical scanning and electronic filing of docketed materials and to establish that when the Department produces an electronic scanned record, it is the official docket copy of the document. The new specifications for document filing will allow the prompt scanning of filed materials and thereby reduce the need to retain paper records. Not only should this effort result in a much more efficient use of space, personnel, equipment, and expertise, but it should save the public and the government time and money in analyzing information submitted to the docket.

To relieve a burden on public docket users during this transition period, the rule reduces the generic twelve copies plus original required for all OST proceedings to the number of copies actually needed for the particular type of proceeding. When we have completed our conversion to a networked system that allows routine internal electronic access to the electronic docket, we will consider further reducing the number of required copies. The future transition to electronic filing also will reduce our need for copies.

This rule is being issued as a final rule because it concerns agency practice and procedure and, therefore, is exempt from prior notice and comment requirements under section 553 (b) (3) (A) of the Administrative Procedure Act (APA).

Regulatory Process Matters

This final rule is not considered a significant regulatory action under section 3(f) of Executive Order 12866, and therefore it was not reviewed by the Office of Management and Budget. This rule is not considered significant under the Department's regulatory policies and procedures.

The economic impact of this rule is so minimal that further analysis is unnecessary. The changes will provide benefits to the public in increased availability of electronic information, more rapid document processing and review, and fewer copies to file to the docket. This rule does not impose unfunded mandates or requirements that will have any impact on the quality of the human environment.

Executive Order 12612

The Department has analyzed this rule under the principles and criteria contained in Executive Order 12612 (''Federalism'') and has determined that the rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Regulatory Flexibility Act

I certify this rule will not have a significant economic impact on a substantial number of small entities. Most filers already meet the specifications of this rule. The rule will provide a minor benefit to affected small entities by reducing the number of copies that they have to file to the docket.

Paperwork Reduction Act

This rule contains no reporting or recordkeeping requirements.

List of Subjects in 14 CFR Part 302

Administrative practice and procedure, Air carriers.

For the reasons set forth above, 14 CFR part 302 is amended as follows.

PART 302—RULES OF PRACTICE IN PROCEEDINGS

1. The authority citation for part 302 is revised to read as follows:

Authority: 5 U.S.C. 551 *et seq.*, 49 U.S.C. 40101 *et seq.*

2. Section 302.3 is amended by revising paragraphs (b) and (c) and adding paragraph (f) to read as follows:

§ 302.3 Filing of documents.

* * * * *

(b) *Formal specifications of documents.*

(1) Documents filed under this part must be on white paper not larger than 8½ by 11 inches, including any tables, charts and other documents that may be included. Ink must be dark enough (but may not be green) to provide substantial contrast for scanning and photographic reproduction. Text must be double-spaced (except for footnotes and long quotations, which may be single-spaced), using type not smaller than 12 point. The left margin must be at least 1½ inches; all other margins must be at least 1 inch. The title page and first page must bear a clear date and all subsequent pages must bear a page number and abbreviated heading. In order to facilitate automated processing in document sheet feeders, documents of more than one page should be held together with removable metal clips or similar retainers. Original documents may not be bound in any form or include tabs, except in cases assigned by order to an Administrative Law Judge for hearing, in which case the filing requirements will be set by order. Section 302.31 contains additional requirements as to the contents and style of briefs.

(2) To facilitate indexing, a filer should include in or provide with each document: the docket title and subject; the relevant operating administration before which the application or request is filed; the identity of the filer; the title of the specific action being requested; and the name and address of the designated agent, and so identified, on file for official service. The Docket Management Facility has an Expedited Processing Sheet that filers can use to assist in this index input.

(3) * * *

(c) *Number of copies.* Unless otherwise specified, an executed original, along with the number of true copies set forth below for each type of proceeding, must be filed with the Docket Management Facility. The copies filed need not be signed, but the name of the person signing the original document, as distinguished from the firm or organization he or she represents, must also be typed or printed on all copies below the space provided for the signature.

Airport Fees.....9 copies
Agreements
International Air Transport Association (IATA).....6 copies
Other (under 49 USC 41309).....9 copies
Complaints
Enforcement.....5 copies
Mail Contracts.....4 copies
Rates, Fares and Charges in Foreign Air Transportation.....6 copies
Unfair Practices in Foreign Air Transportation (49 USC 41310)....7 copies
Employee Protection Program (14 CFR 314).....7 copies
Exemptions
Computer Reservation Systems (14 CFR 255).....8 copies
Other (under 49 USC 40109).....7 copies
Tariffs (under 49 U.S.C. Chapter 415 or 14 CFR 221).....5 copies
Foreign Air Carrier Permits/ Exemptions.....7 copies
International Authority for U.S. Air Carriers (certificates, exemptions, allocation of limited frequencies or charters).....7 copies
Mail Rate Proceedings.....4 copies
Name Change/Trade Name Registrations.....4 copies
Suspension of Service (14 CFR 323).....4 copies
Tariff Justifications to exceed Standard International Fare Levels.....6 copies
U.S. Air Carrier Certificates (involving Initial or Continuing Fitness).....6 copies
Other matters.....3 copies

Filers are encouraged to submit one of the required true copies (except for counterparts of Agreement CAB 18900) in electronic form on a 3½ inch floppy disk, labeled to show the filer's and representative's names, the docket number (if known) or space for it, and document title. The electronic submission must be in one of the following formats: Microsoft Word (or RTF), WordPerfect, Excel, Lotus 123, or ASCII text. The disk must be accompanied by a signed certification that it is a true copy of the executed original document.

* * * * *

(e) Reserved.

(f) *Official docket copy.* With respect to all documents filed under this part that are scanned, the electronic scanned record produced by the Department shall thereafter be the official docket copy of the document and any subsequent copies generated by the Department's electronic records system will be usable for admission as record copies in any proceeding before the Department.

Issued in Washington, DC, on 31 May, 1996, under the authority of 49 CFR part 1.

Charles A. Hunnicutt,

Assistant Secretary for Aviation and International Affairs.

[FR Doc. 96–14614 Filed 6–7–96; 8:45 am]

BILLING CODE 4910–62–P

14 CFR Part 373

RIN 2105–AC52

Implementation of the Equal Access to Justice Act

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule: removal.

SUMMARY: This action removes a regulation concerning payment of attorneys fees under the Equal Access to Justice Act that was adopted by the now-defunct Civil Aeronautics Board. These procedures are covered by a Department-wide regulation. This action is taken in response to the President's Regulatory Reinvention Initiative in order to remove a duplicative and outdated rule.

EFFECTIVE DATE: July 10, 1996.

FOR FURTHER INFORMATION CONTACT: Alexander J. Millard, Office of the General Counsel, Room 4102, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, or by telephone at (202) 366–9285.

SUPPLEMENTARY INFORMATION: 14 CFR Part 373, *Implementation of the Equal Access to Justice Act,* was promulgated by the now-defunct Civil Aeronautics Board in 1982 (47 FR 16007, April 14, 1982). The Civil Aeronautics Board issued this regulation to provide for the award of attorney fees and other expenses to eligible individuals and entities that were parties to certain administrative proceedings before that agency. On January 1, 1985, however, the Civil Aeronautics Board was sunsetted and its remaining statutory authority was transferred to the Department of Transportation. *See* Civil Aeronautics Board Sunset Act of 1984, Public Law 98–443, 98 Stat. 1703. The Department of Transportation has a nearly identical regulation governing the award of these fees and expenses. This regulation is codified at 49 CFR Part 6. Consequently, there is no need to retain the Civil Aeronautics Board's duplicative regulation and it is being removed.

The Department finds notice and comment unnecessary and contrary to the public interest because the rule is merely removing an obsolete procedural regulation in favor of the Departmental rule. This final rule is considered to be a nonsignificant rulemaking under DOT's regulatory policies and procedures, 44 FR 11034. The final rule was not subject to review by the Office of Information and Regulatory Affairs pursuant to Executive Order 12866. The rule will have no economic impact, and accordingly no regulatory evaluation

has been prepared. The final rule has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that it does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. The rule has also been reviewed under the Regulatory Flexibility Act. I certify that this rule would not have a significant economic impact on a substantial number of small entities under the meaning of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 373

Claims, Equal access to justice, Lawyers.

For the reasons set forth above, the Department of Transportation is taking the following action:

1. The authority citation for Part 373 is:

Authority: 5 U.S.C. 504.

PART 373—[REMOVED]

2. Part 373 is removed.

Issued this 31st day of May 1996 at Washington, DC.

Charles A. Hunnicutt,

Assistant Secretary for Aviation and International Affairs.

[FR Doc. 96–14615 Filed 6–7–96; 8:45 am]

BILLING CODE 4910–62–P

UNITED STATES INFORMATION AGENCY

22 CFR Part 514

Exchange Visitor Program

AGENCY: United States Information Agency.

ACTION: Final rule.

SUMMARY: The Agency published an interim final rule with request for comment in the Federal Register on April 8, 1996. This rule amended Agency regulations to clarify the procedures for requesting an extension of program duration for designated sponsors seeking such extension on behalf or a professor or research scholar participating in activities conducted by the sponsor. This interim rule also set forth new procedures whereby the Agency may authorize a sponsor to design and conduct research programs that allow for the participation of a professor or research scholar for a period of time in excess of three years. Limitations governing the eligibility for program participation of professor and research scholar participants were also set forth. These limitations enhance the integrity and programmatic effectiveness of the Exchange Visitor Program. The Agency hereby adopts this interim rule, with amendments, as final.

DATES: This rule is effective June 10, 1996 except for 22 CFR 514.20(j)(2)(i) which will become effective on October 4, 1996.

FOR FURTHER INFORMATION CONTACT: Stanley S. Colvin, Assistant General Counsel, United States Information Agency, 301 4th Street, SW., Washington, DC 20547; Telephone, (202) 619–4979.

SUPPLEMENTARY INFORMATION: Professor and research scholar participants comprise some thirty percent of all exchange visitors participating in the Agency-administered Exchange Visitor Program and are, accordingly, of particular interest to the Agency given their involvement in collaborative research projects throughout the United States and the potential for the promotion of mutual understanding and peaceful relations that such collaborative activities provide. Also of interest to the Agency is the fact that such participants occupy approximately 55,000 positions in U.S. academic institutions and corporate research facilities.

Unlike all other nonimmigrant visa categories, the J visa allows for the employment in the United States of accompanying spouses. Thus, there are potentially 55,000 spouses working in the United States based solely upon their derivative J–2 visa status. Also, unlike the employment of all other nonimmigrants in the United States, neither the employment of the J visa holder principal, nor his or her accompanying spouse is subject to the requirements of a Labor Condition Application or U.S. Department of Labor review. Given the above considerations, the Agency is compelled to examine closely those policies and regulations that govern the long-term employment of exchange visitors in the United States.

The Agency published an interim rule on April 8, 1996 that addressed, in part, an alien's eligibility to pursue teaching or research opportunities in the United States under the aegis of the Exchange Visitor Program. This interim rule introduced a prohibition against program participation as a professor or research scholar for aliens that had held or been afforded J visa status during any portion of the twelve month period immediately preceding the commencement of such participation. This prohibition was introduced in an effort to end the movement of students in J visa status into the professor and research scholar category and also to prevent aliens who have completed a three year period of program participation as a professor or research scholar from exiting the U.S. and immediately re-entering in a ''new'' program for an additional three year period.

The Agency received 38 comments in response to the request for comment set forth in the April 8th interim rule, all of which directly or indirectly touched upon this provision. The commentators generally agreed that, given the Agency's desire to ensure that exchange visitors return to their home country in order to safeguard the integrity and programmatic effectiveness of the Exchange Visitor Program, the practice of exiting and re-entering in a new program should be curtailed. These commentators suggested, however, that the regulation, as written, complicated or prevented the use of the Exchange Visitor Program by person engaging in short-term collaborative projects. Many commentators suggested alternatives to the Agency's approach and as a result of such comments, the Agency is amending the provisions set forth at § 514.20(d). This amendment exempts from the twelve month bar those exchange visitors who participated in an exchange visitor program for six months or less. As a related matter, the Agency is amending the program duration of the short-term scholar category from four months to six months both to reflect this change and to facilitate this category's use for short-term collaborative projects.

Further, based upon comments received, the Agency is amending the language governing the calculation of the twelve month bar set forth at § 514.20(d)(ii). The interim rule set forth language, subject to interpretation, as to how the twelve month period should be calculated. In an effort to provide clarity, the Agency amends this language by adopting physical presence in the United States in J status as the standard for application of the twelve month bar and adopts the date of program commencement, as set forth on the Form IAP–66, as the standard to determine the calculation of time.

A number of commentators also suggested that it is unfair to subject the J–2 spouse to this twelve month bar. The Agency disagrees. While some J–2 spouses may have made some sacrifices in order to accompany the J–1 exchange visitor, such sacrifice is compensated by employment opportunities in the United States—often in research. Thus, the real issue is whether it is unfair to deny a J–2 spouse the opportunity to remain in J status and pursue continued

employment upon completion of the J–1 principal's program participation.

If the J–2 is not subjected to the twelve month bar, the underlying objective for imposing the bar is defeated in that the J–2 could become a J–1 and the former J–1 would be afforded J–2 derivative status and thus, as discussed above, full employment authorization. This ''flip-flop'' of status could continue back and forth for years, even decades, at the expense of program effectiveness and integrity. Accordingly, the Agency concludes that upon balancing the various interests of the Agency, designated sponsors, and exchange visitors, application of the bar to J–2 spouses is both reasonable and desirable.

In a related matter to categorical eligibility, and in response to specific comment received from NAFSA, the Agency adopts language to clarify that participants may not be placed on a tenure track as opposed to the interim rule's language that states the participant may not be placed in a tenure-track position.

The Agency also received numerous comments regarding the provisions of § 514.20(i)(2) whereby the Agency may authorize designated sponsors to conduct an exchange activity requiring participation in excess of three years by a professor or research scholar. This provision would allow a sponsor to identify a discrete activity, such as the International Thermonuclear Experimental Reactor, for which the sponsor and the activity underwriters have identified the desirability of a participant's involvement for a period of time in excess of three years. The requirement for the identification of a discrete activity, by definition, does not contemplate those situations in which a sponsor desires to conduct generalized research for periods of time in excess of three years. The Agency will authorize up to an additional three years of program duration.

The provisions of the interim rule limited involvement in such activities to foreign educated research scholars. Many commentators questioned whether the benefits of such a limitation outweighed potential losses. In light of the comments received, the Agency concludes that its program and policy objectives may be achieved by means other than the limitation to foreign educated participants. Accordingly, the Agency is eliminating this requirement and adopting in its place a provision that participants in such extended activities be financed directly by U.S. foreign government funding. ''Financed directly'' is defined at § 514.2 and requires that the exchange visitor receives funds contributed directly to the exchange visitor in connection with his or her participation in an exchange visitor program. The Agency concludes that this approach will allow the underwriters of such significant research projects to identify and select participants according to their needs while signalling their bona fide interest in such person by their direct funding of his or her participation in the project.

Comments regarding § 514.20(j) which governs the extension of a participant's program participation generally suggested the need for clarification of what the Agency considers to be ''exceptional or unusual circumstances.'' The Agency stated in the interim rule, that it contemplates ''exceptional or unusual circumstances'' will generally involve situations in which the participant was unable to complete his or her program due to circumstances not directly related to his or her project. This general statement should not be misconstrued or over-emphasized. The Agency recognizes that ''exceptional or unusual'' circumstances may arise that are directly related to a participant's research project. While ''exceptional or unusual'' circumstances must be examined on a case by case basis and in the context of all facts presented, some guidance may be provided. For example, a foreign government's direct funding of a participant and that government's desire to have the participant continue in his or her project for an additional year would be considered as an ''exceptional or unusual'' circumstance sufficient to justify extension of the participant's program. Other examples of ''exceptional or unusual'' circumstances include the illness or incapacity of a participant that prevents the participant from working on his or her project for an extended period of time, and catastrophes involving the research experiments. Also, the test may be met when the visitor requires an extension of a few weeks to complete the project due to unforseen delays in the research.

A number of commentators suggested that these changes diminish a sponsor's ability to utilize the Exchange Visitor Program for research requiring more than three years to complete. The Agency does not agree with these comments, concluding instead, that these changes merely reinforce the Agency's long-held position that the Exchange Visitor Program should be utilized for programs that have been designed for participation of not more than three years and that may, under ordinary circumstances, be completed on schedule. Moreover, the Agency concludes, as a matter of policy, that three years of research provides ample opportunity to both complete meaningful research and develop valuable relationships that will foster on-going linkages between U.S. institutions and scientists upon the participant's return to his or her home country. Thus, while the Agency acknowledges that these changes may result in some individuals being unable to utilize the Exchange Visitor Program, the Agency concludes that managerial and program needs, such as the benefits of ensuring that a higher percentage of participants return to their home country in a timely manner and fulfill the underlying exchange policy objectives upon which their entry into the United States was premised, outweighs the possible loss of exchange opportunities.

The Agency also, in light of comments received, has determined that the language of § 514.20(j)(2)(i) should be amended to recognize that extraordinary events may arise after the ninety day period for filing an extension of program request has passed. The Agency adopted the ninety day filing requirement to ensure that a participant does not fall out of valid program status and thereby subject his or her sponsor to sanctions for employing aliens without proper work authorization. The necessity for a timely filing requirement remains; however, the Agency does agree that an ''extraordinary circumstance'' clause would be appropriate. Accordingly, the Agency amends the language of this paragraph to include such clause but cautions all sponsors that the participant's work authorization expires on the date listed on the participant's IAP–66 form unless an extension has been granted by the Agency. The Agency also is amending the ninety day filing requirement to sixty days to provide for greater flexibility in the filing of an extension request.

In accordance with 5 U.S.C.605(b), the Agency certifies that this rule does not have a significant adverse economic impact on a substantial number of small entities. This rule is not considered to be a major rule within the meaning of Section 1(b) of E.O. 12291, nor does it have federal implications warranting the preparation of a Federalism Assessment in accordance with E.O. 12612.

In adopting this final rule, with amendments, the Agency has set forth the entire language of the interim rule with amendments incorporated therein to assist the reader.

List of Subjects in 22 CFR Part 514

Cultural exchange programs.

Dated: June 3, 1996.

Les Jin,

General Counsel.

Accordingly the interim rule amending 22 CFR Part 514 which was published at 61 FR 15372 on April 8, 1996, is adopted as a final rule with the following changes:

PART 514—EXCHANGE VISITOR PROGRAM

1. The authority citation for part 514 continues to read as follows:

Authority: 8 U.S.C. 1101(a)(15)(J), 1182, 1258; 22 U.S.C. 1431–1442, 2451–2460; Reorganization Plan No. 2 of 1977, 42 FR 62461, 3 CFR, 1977 Comp. p 200; E.O. 12048, 43 FR 13361, 3 CFR, 1978 Comp. p 168, USIA Delegation Order No. 85–5 (50 FR 27393.)

2. Section 514.20 is amended by revising paragraphs (d), (i), and (j) to read as follows:

§ 514.20 Professors and research scholars.

* * * * *

(d) *Visitor eligibility.* An individual may be selected for participation in the Exchange Visitor Program as a professor or research scholar subject to the following conditions:

(i) The participant shall not be a candidate for tenure track position; and

(ii) The participant has not been physically present in the United States as a nonimmigrant pursuant to the provisions of 8 U.S.C. 1101(a)(15)(J) for all or part of the twelve month period immediately preceding the date of program commencement set forth on his or her Form IAP–66, unless:

(A) The participant is transferring to the sponsor's program as provided in § 514.42; or

(B) The participant's presence in the United States was of less than six months duration; or

(C) The participant's presence in the United States was pursuant to a Short-term scholar exchange activity as authorized by § 514.21.

* * * * *

(i) *Duration of participation.* The permitted duration of program participation for a professor or research scholar shall be as follows:

(1) *General limitation.* The professor and research scholar shall be authorized to participate in the Exchange Visitor Program for the length of time necessary to complete his or her program, which time shall not exceed three years.

(2) *Exceptional circumstance.* The Agency may authorize a designated Exchange Visitor Program sponsor to conduct an exchange activity requiring a period of program duration in excess of three years. A sponsor seeking to conduct a discrete activity requiring more than the permitted three years of program duration, but less than six years of program duration, shall make written request to the Agency and secure written Agency approval. Such request shall include:

(i) A detailed explanation of the discrete exchange activity; and

(ii) A certification that the participation of selected research scholars will be financed directly by United States or foreign government funds.

(3) *Change of category.* A change between the categories of professor and research scholar shall not extend an exchange visitor's permitted period of participation beyond three years.

(j) *Extension of program.* Professors and research scholars may be authorized program extensions as follows:

(1) *Responsible officer authorization.* A responsible officer may extend, in his or her discretion and for a period not to exceed six months, the three year period of program participation permitted under § 514.20(i). The responsible officer exercising his or her discretion shall do so only upon his or her affirmative determination that such extension is necessary in order to permit the research scholar or professor to complete a specific project or research activity.

(2) *Agency authorization.* The Agency may extend, upon request and in its sole discretion, the three year period of program participation permitted under § 514.20(i). A request for Agency authorization to extend the period of program participation for a professor or research scholar shall:

(i) Be submitted to the Agency, unless prevented by extraordinary circumstance, no less than 60 days prior to the expiration of the participant's permitted three year period of program participation; and

(ii) Present evidence, satisfactory to the Agency, that such request is justified due to exceptional or unusual circumstances and is necessary in order to permit the researcher or professor to complete a specific project or research activity.

(3) *Timeliness.* The Agency will not review a request for Agency authorization to extend the three year period of program participation permitted under § 514.20(i) unless timely filed; provided, however, that the Agency reserves the right to review a request that is not timely filed due to extraordinary circumstance.

(4) *Final decision.* The Agency anticipates it will respond to requests for Agency authorization to extend the three year period of program participation permitted under § 514.20(i) within 30 days of Agency receipt of such request and supporting documentation. Such response shall constitute the Agency's final decision.

[FR Doc. 96–14390 Filed 6–7–96; 8:45 am]

BILLING CODE 8230–01–M

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Part 75

RIN 1219–AA11

Safety Standards for Underground Coal Mine Ventilation

AGENCY: Mine Safety and Health Administration (MSHA), Labor.

ACTION: Final rule; corrections.

SUMMARY: This document corrects errors in the final rule for underground coal mine ventilation which appeared in the Federal Register on March 11, 1996 (61 FR 9764).

EFFECTIVE DATE: June 10, 1996.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, MSHA, (703) 235–1910.

SUPPLEMENTARY INFORMATION: On March 11, 1996, MSHA published a final rule to revise its safety standards for underground coal mine ventilation. This document corrects errors that appeared in the final rule.

Sections 75.325, 75.326, and 75.330 each refer to provisions in the final rule that limit exposure to methane, respirable dust, or other harmful gases. In each case it was not the Agency's intent to modify the limits set in these standards. No changes were proposed and the current versions that appear in the 1995 compilation of the Code of Federal Regulations are correct. Therefore, to address questions raised and to clarify the intent of the Agency, the language in these standards is being corrected to re-state the language of the existing standards.

Sections 75.301, 75.333(d) (1), (e)(3), and (f), and 75.335(a)(1)(iv) and (a)(2) are being corrected to include information concerning the availability of the incorporated documents, where the incorporated documents may be inspected, and the Federal Register approval for incorporation by reference of the documents. No changes were proposed and the current versions that appear in the 1995 compilation of the Code of Federal Regulations are correct. The final rule language for § 75.333 Ventilation controls, inadvertently

omits the information concerning the availability of the document incorporated by reference in (e)(1)(i). This document adds that language.

Correction of Publication

The final rule for safety standards for underground coal mine ventilation that appeared in the Federal Register on March 11, 1996 (61 FR 9764) is corrected as follows:

1. On page 9829, in the second column, in § 75.301, in the definition of *noncombustible structure or area*, three sentences are added following the last sentence to read as follows:

§ 75.301 Definitions.

* * * * *

Noncombustible Structure or Area. * * * The publication ASTM E119–88, ''Standard Test Methods for Fire Tests of Building Construction and Materials'' is incorporated by reference and may be inspected at any Coal Mine Health and Safety District and Subdistrict Office, or at MSHA's Office of Standards, 4015 Wilson Boulevard, Arlington, VA, and at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC. In addition, copies of the document can be purchased from the American Society for Testing Materials (ASTM), 1916 Race Street, Philadelphia, Pennsylvania 19103. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

* * * * *

2. On page 9829, in the second column, in § 75.301, in the definition of noncombustible material, three sentences are added following the last sentence to read as follows:

* * * * *

Noncombustible Material. * * * The publication ASTM E119–88, ''Standard Test Methods for Fire Tests of Building Construction and Materials'' is incorporated by reference and may be inspected at any Coal Mine Health and Safety District and Subdistrict Office, or at MSHA's Office of Standards, 4015 Wilson Boulevard, Arlington, VA, and at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC. In addition, copies of the document can be purchased from the American Society for Testing Materials (ASTM), 1916 Race Street, Philadelphia, Pennsylvania 19103. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

* * * * *

3. On page 9833, in the second column, in § 75.325, the first sentence in paragraph (c)(2), is corrected to read as follows:

§ 75.325 Air quantity.

* * * * *

(c) * * *

(2) The velocity of air that will be provided to control methane and respirable dust in accordance with applicable standards on each longwall or shortwall and the locations where these velocities will be provided shall be specified in the approved ventilation plan. * * *

* * * * *

4. On page 9833, in the second column, in § 75.326, the second sentence is corrected to read as follows:

* * * * *

* * * A lower mean entry air velocity may be approved in the ventilation plan if the lower velocity will maintain methane and respirable dust concentrations in accordance with the applicable levels. * * *

* * * * *

5. On page 9833, in the third column, in § 75.330, the second sentence of paragraph (b)(2), is corrected to read as follows:

§ 75.330 Face ventilation control devices.

* * * * *

(b) * * *

(2) * * * Alternative distances specified shall be capable of maintaining concentrations of respirable dust, methane, and other harmful gases, in accordance with the levels specified in the applicable sections of this chapter.

* * * * *

6. On page 9834, in the third column, in § 75.333, paragraph (d)(1) is corrected to read as follows:

§ 75.333 Ventilation controls.

* * * * *

(d) * * *

(1) Made of noncombustible material or coated on all accessible surfaces with flame-retardant materials having a flame-spread index of 25 or less, as tested under ASTM E162–87, ''Standard Test Method for Surface Flammability of Materials Using A Radiant Heat Energy Source.'' This publication is incorporated by reference and may be inspected at any Coal Mine Health and Safety District and Subdistrict Office, or at MSHA's Office of Standards, 4015 Wilson Boulevard, Arlington, VA, and at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC. In addition, copies of the document can be purchased from the American Society for Testing (ASTM), 1916 Race Street, Philadelphia, Pennsylvania 19103. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

* * * * *

7. On page 9834, in the third column, in § 75.333, paragraph (e)(1)(i) is corrected to read as follows:

* * * * *

(e)(1)(i) Except as provided in paragraphs (e)(2), (e)(3) and (e)(4) of this section all overcasts, undercasts, shaft partitions, permanent stoppings, and regulators, installed after June 10, 1996, shall be constructed in a traditionally accepted method and of materials that have been demonstrated to perform adequately or in a method and of materials that have been tested and shown to have a minimum strength equal to or greater than the traditionally accepted in-mine controls. Tests may be performed under ASTM E72–80, ''Standard Methods of Conducting Strength Tests of Panels for Building Construction'' (Section 12—Transverse Load—Specimen Vertical, load, only), or the operator may conduct comparative in-mine tests. In-mine tests shall be designed to demonstrate the comparative strength of the proposed construction and a traditionally accepted in-mine control. The publication ASTM E72–80, ''Standard Methods of Conducting Strength Tests of Panels for Building Construction'' is incorporated by reference and may be inspected at any Coal Mine Health and Safety District and Subdistrict Office, or at MSHA's Office of Standards, 4015 Wilson Boulevard, Arlington, VA, and at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC. In addition, copies of the document can be purchased from the American Society for Testing (ASTM), 1916 Race Street, Philadelphia, Pennsylvania 19103. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

* * * * *

8. On page 9835, in the first column, in § 75.333, paragraph (e)(3) is corrected to read as follows:

* * * * *

(e) * * *

(3) When timbers are used to create permanent stoppings in heaving or caving areas, the stoppings shall be coated on all accessible surfaces with a flame-retardant material having a flame-spread index of 25 or less, as tested under ASTM E162–87, ''Standard Test Method for Surface Flammability of Materials Using A Radiant Heat Energy

Source.'' This publication is incorporated by reference and may be inspected at any Coal Mine Health and Safety District and Subdistrict Office, or at MSHA's Office of Standards, 4015 Wilson Boulevard, Arlington, VA, and at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC. In addition, copies of the document can be purchased from the American Society for Testing (ASTM), 1916 Race Street, Philadelphia, Pennsylvania 19103. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

* * * * *

9. On page 9835, in the first column, in § 75.333, paragraph (f) is corrected to read as follows:

* * * * *

(f) When sealants are applied to ventilation controls, the sealant shall have a flame-spread index of 25 or less under ASTM E162–87, ''Standard Test Method for Surface Flammability of Materials Using A Radiant Heat Energy Source.'' This publication is incorporated by reference and may be inspected at any Coal Mine Health and Safety District and Subdistrict Office, or at MSHA's Office of Standards, 4015 Wilson Boulevard, Arlington, VA, and at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC. In addition, copies of the document can be purchased from the American Society for Testing (ASTM), 1916 Race Street, Philadelphia, Pennsylvania 19103. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

* * * * *

10. In the rule, on page 9835, in the third column, § 75.335, paragraph (a)(1)(iv) is corrected to read as follows:

§ 75.335 Construction of seals.

(a)(1) * * *

(iv) Coated on all accessible surfaces with flame-retardant material that will minimize leakage and that has a flame-spread index of 25 or less, as tested under ASTM E162–87, ''Standard Test Method for Surface Flammability of Materials Using A Radiant Heat Energy Source.'' This publication is incorporated by reference and may be inspected at any Coal Mine Health and Safety District and Subdistrict Office, or at MSHA's Office of Standards, 4015 Wilson Boulevard, Arlington, VA, and at the Office of the 4Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC. In addition, copies of the document can be purchased from the American Society for Testing (ASTM), 1916 Race Street, Philadelphia, Pennsylvania 19103. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

* * * * *

11. On page 9835, in the third column, in § 75.335, paragraph (a)(2) is corrected to read as follows:

(a)(1) * * *

(2) Alternative methods or materials may be used to create a seal if they can withstand a static horizontal pressure of 20 pounds per square inch provided the method of installation and the material used are approved in the ventilation plan. If the alternative methods or materials include the use of timbers, the timbers also shall be coated on all accessible surfaces with flame-retardant material having a flame-spread index of 25 or less, as tested under ASTM E162–87, ''Standard Test Method for Surface Flammability of Materials Using A Radiant Heat Energy Source.'' This publication is incorporated by reference and may be inspected at any Coal Mine Health and Safety District and Subdistrict Office, or at MSHA's Office of Standards, 4015 Wilson Boulevard, Arlington, VA, and at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC. In addition, copies of the document can be purchased from the American Society for Testing (ASTM), 1916 Race Street, Philadelphia, Pennsylvania 19103. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.

* * * * *

Dated: May 28, 1996.

J. Davitt McAteer,

Assistant Secretary for Mine Safety and Health.

[FR Doc. 96–14109 Filed 6–7–96; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 8

RIN 2900 AH55

National Service Life Insurance

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the Department of Veterans Affairs (VA) regulations captioned ''National Service Life Insurance'' which were established under the National Service Life Insurance Act of 1940, as amended (38 U.S.C. 1901–1929, 1981–1988). It deletes provisions that have become obsolete. It also deletes provisions contained in insurance policies that consist of restatements of statutes and other material not required to be published in the Federal Register. Additionally, it deletes other restatements of statute and makes changes for purposes of clarity.

EFFECTIVE DATE: June 10, 1996.

FOR FURTHER INFORMATION CONTACT: George Poole, Chief, Insurance Program Administration, Department of Veterans Affairs Regional Office and Insurance Center, PO Box 8079, Philadelphia, PA 19101, (215) 951–5718.

SUPPLEMENTARY INFORMATION: Under the umbrella of 38 CFR part 8, four distinct life insurance programs exist, namely, National Service Life Insurance (NSLI), Veterans' Special Life Insurance (VSLI), Veterans' Reopened Life Insurance (VRI) and Service Disabled Veterans Insurance (SDVI). Most of the policyholders insured under NSLI served during World War II, and their average age is now 72 years. The NSLI program opened in October 1940, and over 22 million policies were issued, of which about 2 million remain. The NSLI program remained open until April 1951, when two new programs were established for Korean War veterans. VSLI, opened in April 1951, was closed to new issues in December 1956. SDVI, also opened in April 1951, is the only program still available for new issues to veterans with service-connected disabilities. The VRI program was a limited one-year reopening, from May 1965 to May 1966, of the NSLI and VSLI programs to certain disabled veterans. As a result of the closure of the NSLI, VSLI, and VRI programs, provisions concerning issuance are deleted because they are obsolete. Furthermore, while these three programs provide for certain disability provisions, there are no insureds remaining who are age eligible for issuance of such riders and, hence, these provisions are further deleted as obsolete. Other provisions, such as those implementing the Servicemen's Indemnity Act of 1940, and other ''sunset'' provisions, are also obsolete and deleted accordingly.

Also, provisions which list guaranteed payments are deleted since such guaranteed payments reflect only a minimum payment and subsequent legislation allows for higher payment schedules. Thus, publication of minimum payments has no practical value. Provisions that are contained in insurance polices are likewise deleted

as unnecessary. These policy provisions contain restatements of statute and other material not required to be published in the Federal Register. Additionally, other provisions that merely restate statutory provisions are likewise deleted.

Lastly, some provisions are changed for purposes of clarity.

This final rule consists of nonsubstantive changes and, therefore, is not subject to the notice-and-comment and effective-date provisions of 5 U.S.C. 553.

The Secretary of Veterans Affairs thereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. This final rule will not affect any entity since it does not contain any substantive provision. Therefore, pursuant to 5 U.S.C. 605(b), this amendment is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

The Catalog of Federal Domestic Assistance Program number for these regulations is 64.103.

List of Subjects in 38 CFR Part 8

Life insurance, Mortgage insurance, Veterans.

Approved: May 31, 1996.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set out in the preamble 38 CFR part 8 is amended as set forth below:

PART 8—NATIONAL SERVICE LIFE INSURANCE

1. The authority citation for part 8 continues to read as follows:

Authority: 38 U.S.C. 501, 1901–1929, 1981–1988, unless otherwise noted.

2. The undesignated center heading preceding §§ 8.16, 8.44, 8.49, 8.55, 8.59, 8.60, 8.61, 8.62, 8.70, 8.71, 8.80a, 8.100, 8.102, 8.103, 8.110, 8.113, 8.114, and 8.116 are removed.

§§ 8.0, 8.3 through 8.5, 8.7, 8.10, 8.11, 8.15, 8.16 through 8.19, 8.26a, 8.32, 8.34 through 8.36, 8.40, 8.41, 8.44, 8.47 through 8.51, 8.54, 8.55, 8.59, 8.60, 8.61, 8.62, 8.63, 8.70, 8.71, 8.75 through 8.78, 8.80, 8.80a through 8.83, 8.88 through 8.93, 8.95 through 8.95b, 8.96a through 8.99c, 8.100, 8.102, 8.103 and 8.110 through 8.112b, 8.113, 8.114 and 8.116 [Removed]

3. Sections 8.0, 8.3 through 8.5, 8.7, 8.10, 8.11, 8.15 through 8.19, 8.26a, 8.32, 8.34 through 8.36, 8.40, 8.41, 8.44, 8.47 through 8.51, 8.54, 8.55, 8.59 through 8.63, 8.70, 8.71, 8.75 through 8.78, 8.80 through 8.83, 8.88 through 8.93, 8.95 through 8.95b, 8.96a through 8.103, and 8.110 through 8.116 are removed.

§ 8.1 [Redesignated as § 8.0]

4. Section 8.1 is redesignated as § 8.0.

§ 8.2 [Redesignated as § 8.1]

5. Section 8.2 is redesignated as § 8.1 following the undesignated center heading **EFFECTIVE DATE**.

§§ 8.7a, 8.7b, 8.7c, 8.8, 8.9 [Redesignated as §§ 8.3 through 8.7, respectively]

6. Sections 8.7a through 8.7c, 8.8 and 8.9 are redesignated as §§ 8.3 through 8.7, respectively, following the undesignated center heading ''PREMIUMS''.

§ 8.12 [Redesignated as § 8.8]

7. Section 8.12 is redesignated as § 8.8 following the undesignated center heading ''CALCULATION OF TIME PERIOD''.

§ 8.14 [Redesignated as § 8.9]

8. Secton 8.14 is redesignated as § 8.9 following the undesignated center heading ''GRACE PERIOD''.

§§ 8.22, 8.23, 8.24 [Redesignated as §§ 8.10 through 8.12, respectively]

9. Sections 8.22 through 8.24 are redesignated as §§ 8.10 through 8.12, respectively, following the undesignated center heading ''REINSTATEMENT''.

§ 8.26 [Redesignated as § 8.13]

10. Section 8.26 is redesignated as § 8.13 following the undesignated center heading ''DIVIDENDS''.

§§ 8.27, 8.27a, 8.28 [Redesignated as §§ 8.114 through 8.16, respectively]

11. Sections 8.27 and 8.28 are redesignated as §§ 8.14 through 8.16, respectively, following the undesignated center heading ''CASH VALUE AND POLICY LOAN''.

§§ 8.29, 8.30 [Redesignated as §§ 8.17 and 8.18, respectively]

12. Sections 8.29 and 8.30 are redesignated as §§ 8.17 and 8.18, respectively, following the undesignated center heading ''EXTENDED TERM AND PAID-UP INSURANCE''.

§ 8.33 [Redesignated as § 8.19]

13. Section 8.33 is redesignated § 8.19 following the undesignated center heading ''CHANGE IN PLAN''.

§§ 8.42, 8.43 [Redesignated as §§ 8.20 and 8.21, respectively]

14. Sections 8.42 and 8.43 are redesignated as §§ 8.20 and 8.21, respectively, following the undesignated center heading ''PREMIUM WAIVERS AND TOTAL DISABILITY''.

§ 8.46 [Redesignated as § 8.22]

15. Section 8.46 is redesignated as § 8.22 following the undesignated center heading ''BENEFICIARIES''.

§ 8.52 [Redesignated as § 8.23]

16. Section 8.52 is redesignated as § 8.23 following the undesignated center heading ''PROOF OF DEATH, AGE, OR RELATIONSHIP''.

§ 8.56 [Redesignated as § 8.24]

17. Section 8.56 is redesignated as § 8.24 following the undesignated center heading ''AGE''.

§§ 8.64, 8.65, 8.66 [Redesignated as §§ 8.25 through 8.27, respectively]

18. Sections 8.64 through 8.66 are redesignated as 8.25 through 8.27, respectively, following the undesignated center heading ''EXAMINATIONS''.

§ 8.69 [Redesignated as § 8.28]

19. Section 8.69 is redesignated as § 8.28 following the undesignated center heading ''EXTRA HAZARDS''.

§ 8.79 [Redesignated as § 8.29]

20. Section 8.79 is redesignated as § 8.29 following the undesignated center heading ''OPTIONAL SETTLEMENTS''.

§ 8.85 [Redesignated as § 8.30]

21. Section 8.85 is redesignated as § 8.30 following the undesignated center heading ''RENEWAL OF TERM INSURANCE''.

§§ 8.94, 8.96 [Redesignated as § 8.31 and 8.32, respectively]

22. Sections 8.94 and 8.96 are redesignated as §§ 8.31 and 8.32, respectively, following the undesignated center heading ''SETTLEMENT OF INSURANCE MATURING ON OR AFTER AUGUST 1, 1946''.

§ 8.108 [Redesignated as § 8.33]

23. Section 8.108 is redesignated as § 8.33 following the undesignated center heading ''NATIONAL SERVICE LIFE INSURANCE POLICY''.

§§ 8.117, 8.118, 8.119 [Redesignated as §§ 8.34 through 8.36]

24. Sections 8.117 through 8.119 are redesignated as §§ 8.34 through 8.36, respectively, following the undesignated center heading ''APPEALS''.

25. In newly redesignated § 8.0, paragraph (b) is amended by removing ''by the Chief Benefits Director. The Chief Benefits Director is responsible for readjusting such standards to reflect medical advances and current experience affecting mortality and disability''.

26. The newly redesignated § 8.1 is revised to read as follows:

§ 8.1 Effective date for insurance issued under section 1922(a) of title 38 U.S.C.

The effective date may be established upon written request of the applicant as follows:

(a) As of the date on which valid application and tender of premium are made.

(b) As of the first day of the month in which valid application and tender of premium are made.

(c) As of the first day of the month following the month in which valid application and tender of premium are made.

(d) As of the first day of any month, but not more than 6 months prior to the month in which valid application and tender of premium are made: *Provided,* That there be paid an amount equal to the full reserve on the insurance at the end of the month prior to the month in which application is made, and the full premium on the amount of insurance for the month in which application is made.

27. The newly redesignated § 8.2 is revised to read as follows:

§ 8.2 Payment of premiums.

Premiums on National Service Life Insurance may be paid by direct remittance to the Department of Veterans Affairs, or by allotment of service pay or retirement pay.

(Authority: 38 U.S.C. 1908)

28. The newly redesignated § 8.3 is revised to read as follows:

§ 8.3 Correction of errors.

Where timely tender of the required premium is made by check or draft which is not paid on presentation for payment, but it is shown by satisfactory evidence that such nonpayment was due to an error on the part of the bank on which such check or draft was drawn, or was the result of an error in the instrument or in the execution thereof, and not for the lack of funds, the insured will be given an additional 31 days from the date of the letter that gives notice of such nonpayment in which to tender an amount sufficient to pay all premiums through the current month.

§ 8.5 [Amended]

29. In newly redesignated § 8.5, paragraph (a)(5) is amended by removing, ''(§§ 8.14 and 8.15)'' and adding, in its place, ''(§ 8.9)''; and paragraphs (a)(7) and (b)(3), are amended by removing ''(§ 8.29)'' and adding, in its place ''(§ 8.17)''.

§ 8.6 [Amended]

30. In newly redesignated § 8.6, paragraph (a) is amended by removing ''section 5502(f) of title 38 U.S.C., and § 13.57'' and adding, in its place, ''Part 13''.

31. The newly redesignated § 8.7 is revised to read as follows:

§ 8.7 Authorization for deduction of premiums from compensation, retirement pay, or pension.

Deductions from benefits for the payment of premiums shall be effective on the month the authorization for such deduction is received by the Department of Veterans Affairs or on any successive month specified by the insured. Such deduction shall be applied to the premium due in the succeeding calendar month and shall continue monthly so long as the benefit payments are due and payable to the insured and the amount is sufficient to pay the premium or until such authorization is revoked by the veteran or otherwise terminated. When premium deductions are authorized by the insured, the premium will be treated as paid for purposes of preventing lapse of the insurance, so long as there is due and payable to the insured a benefit amount sufficient to provide the premium payment. If authorization was executed by the Director of a VA hospital or domiciliary or chief officer of a State hospital or other institution to make deductions from an institutional award, the authorization will cease and terminate at the termination of the institutional award and the insurance shall lapse unless another authorization for deduction from monthly benefit payments is executed by the insured. The insured will be notified by letter directed to the last address of record of the termination of the authorization to deduct premiums, but failure to give such notice shall not prevent lapse.

§ 8.8 [Amended]

32. Newly redesignated § 8.8 is amended by removing ''§§ 8.7a, 8.7b, or 8.7c'' and adding, in its place, ''§§ 8.3, 8.4 or 8.5''.

33. The newly redesignated § 8.9 is revised to read as follows:

§ 8.9 Establishment of grace period.

For the payment of any premium under a National Service Life Insurance policy, a grace period of 31 days from and after the date on which the premium was due will be allowed without interest during which time the policy will remain in force. When a payment of premium is mailed, the postmark date will be accepted as the date on which the payment was tendered. If a premium is not paid before the expiration of the grace period, the effective date of lapse shall be the due date of the unpaid premium. If the policy matures within the grace period, the unpaid premium or premiums shall be deducted from the amount of insurance payable.

34. The newly redesignated § 8.10 is revised to read as follows:

§ 8.10 Reinstatement of National Service Life Insurance except insurance issued pursuant to section 1925 of title 38 U.S.C.

(a) Any policy which lapses and which is not surrendered for a cash value or for paid-up insurance, may be reinstated upon written application signed by the applicant, payment of all premiums in arrears, and evidence of good health as required under § 8.11 (a) or (b), whichever is applicable. If a policy is not reinstated within 6 months from the due date of the premium in default, interest must be paid in addition to premiums for all months in arrears from their respective due dates at the rate of 5 percent per annum, compounded annually. The payment or reinstatement of any indebtedness against a policy must be made upon application for reinstatement, and any excess of indebtedness and interest over the reserve of the policy must be paid at that time. A lapsed National Service Life Insurance policy which is in force under extended term insurance may be reinstated within 5 years from the date extended insurance would expire upon application and payment of all premiums in arrears with the required interest. In any case in which the extended insurance under an endowment policy provides protection to the end of the endowment period, the policy may be reinstated at any time before maturity upon application and payment of the premiums with the required interest. A policy on the level term premium plan may be reinstated within 5 years of the date of lapse upon written application signed by the insured, evidence of insurability and payment of two monthly premiums, one for the month of the lapse, the other for the month of reinstatement.

(b) *Reinstatement of insurance issued under section 1925, title 38 U.S.C.* Any policy of insurance issued under 38 U.S.C. 1925 which has been lapsed for not more than 5 years shall be reinstated under the same provisions of paragraph (a) of this section.

(c) *Effective date of reinstatements.* Reinstatement is effected on the date an acceptable application and the required monetary payments are delivered to the Department of Veterans Affairs. If application for reinstatement is submitted by mail, properly addressed to the Department of Veterans Affairs, the postmark date shall be the date of

delivery. The effective date of reinstatement of the insurance shall be the last monthly premium due date prior to the delivery or postmark date of the application for reinstatement, except where reinstatement is effected on the due date of a premium, then in such case that date shall be the reinstatement date.

(d) *Inquiry during the grace period.* When the insured makes inquiry prior to the expiration of the grace period disclosing a clear intent to continue insurance protection, such as a request for information concerning premium rates or conversion privileges, etc., an additional reasonable period not exceeding 60 days may be granted for payment of premiums due; but the premiums in any such case must be paid during the lifetime of the insured.

§ 8.11 [Amended]

35. In newly redesignated § 8.11, paragraph (b) is amended by removing ''§ 8.1'' and adding, in its place, ''§ 8.0''; it is further amended by removing ''§ 8.0 (b), (d)(2)(i), or (d)(2)(ii)'' and adding, in its place, ''38 U.S.C. 1922(a), 1925(b), or 1925(c)''; and by removing ''§ 8.0(d)(2)(iii)'' and adding, in its place, ''38 U.S.C. 1925(a)''.

§ 8.12 [Amended]

36. Newly redesignated § 8.12 is amended by removing ''§ 8.23'' and adding, in its place, ''§ 8.11''; and by removing ''§ 8.23(a)'' and adding, in its place, ''§ 8.11(a)''.

§ 8.13 [Amended]

37. In newly redesignated § 8.13, paragraph (f) is amended by removing ''in § 8.60'' and adding, in its place, ''§ 5301 of title 38 U.S.C.''; and paragraph (g) is amended by removing ''§§ 8.29 and 8.30,'' and adding, in its place, ''§§ 8.17 and 8.18''.

38. The newly redesignated § 8.14 is revised to read as follows:

§ 8.14 Cash value and policy loan.

(a) Provisions for cash value, paid-up insurance, and extended term insurance, except as provided in § 8.17(b), shall become effective at the completion of the first policy year on any plan of National Service Life Insurance other than the 5-year level premium term plan. The cash value at the end of the first policy year and at the end of any policy year thereafter, for which premiums have been paid in full, shall be the reserve with any dividend accumulations, where applicable.

(b) Upon written request and upon complete surrender of the insurance and all claims thereunder, the United States will pay to the insured the cash value of the policy less any indebtedness, provided the policy has been in force by payment or waiver of the premiums for at least 1 year. Paid-up additions do not have to be in force for 1 year before they have cash values. Unless otherwise requested by the insured, a surrender will be deemed completed as of the end of the premium month in which the application for cash surrender is delivered to the Department of Veterans Affairs, or as of the date of the check for the cash value, whichever is later. If the application is forwarded by mail, properly addressed, the postmark date will be taken as the date of delivery. If it is forwarded through military channels, the date the application is placed in military channels will be taken as the date of delivery.

(c) All values, reserves and net single premiums on participating National Service Life Insurance, other than as provided in paragraph (e) of this section, shall be based on the American Experience Table of Mortality, with interest at the rate of 3 percent per annum. For each month after the first policy year for which month a premium has been paid or waived, the reserve at the end of the preceding policy year shall be increased by one-twelfth of the increase in reserve for the current policy year.

(Authority: 38 U.S.C. 1902, 1906)

(d) All values on insurance, reserves, and net single premiums issued under the provisions of section 1922(a) of title 38 U.S.C., and on modified life and ordinary life plans of insurance issued under section 1904(c), (d), and (e), respectively, shall be based on the Commissioners 1941 Standard Ordinary Table of Mortality with interest at the rate of 2¼ percent per annum. Values between policy years shall be proportionally adjusted.

(Authority: 38 U.S.C. 1904, 1906)

(e) All values on insurance, reserves, and net single premiums issued under the provisions of section 1923(b) of title 38 U.S.C., and on modified life and ordinary life plans of such insurance issued under section 1904 (c), (d), and (e), respectively, shall be based on table X–18 (1950–54 Intercompany Table of Mortality) with interest at the rate of 2½ percent per annum. Values between policy years shall be proportionally adjusted.

(Authority: 38 U.S.C. 1904, 1923)

(f) All values, reserves, and net single premiums on nonparticipating insurance on which the requirements of good health were waived under the provisions of section 602(c)(2) of the National Service Life Insurance Act, as amended (''H'' Insurance), and on the modified life and ordinary life plans of such ''H'' insurance issued under section 1904 (c), (d), and (e), respectively, of title 38 U.S.C. shall be based on the American Experience Table of Mortality, with interest at the rate of 3 percent per annum. Values between policy years shall be proportionally adjusted. The provisions of the ''Net Cash Value'' clause in National Service Life Insurance policies are hereby amended accordingly.

(g) All values, reserves, and net single premiums on participating modified life and ordinary life plan insurance issued under section 1904 (b), (d), and (e), respectively, of title 38 U.S.C. shall be based on the 1958 Commissioners Standard Ordinary Basic Table of Mortality and interest at the rate of 3 percent per annum. Values between policy years shall be proportionally adjusted.

(h) All values, reserves, and net single premiums on insurance issued under the provisions of section 1925(b) of title 38 U.S.C, and on modified life and ordinary life plans of such insurance issued under section 1904 (c), (d), and (e), respectively, shall be based on the 1958 Commissioners Standard Ordinary Basic Mortality Table and interest at the rate of 3½ percent per annum. Values between policy years shall be proportionally adjusted.

(i) All values, reserves, and net single premiums on insurance issued under the provisions of section 1925(c) of title 38 U.S.C., and on modified life, ordinary life, 20-payment life and 30-payment life plans, where appropriate, of such insurance issued under section 1904 (c), (d), and (e), respectively, shall be based on the American Experience Table of Mortality and interest at the rate of 3½ percent per annum. Values between policy years shall be proportionally adjusted.

(Authority: 38 U.S.C. 1906)

(ii) [Reserved]

§ 8.15 [Amended]

39. In newly redesignated § 8.15, paragraph (a) is amended by removing ''under the provisions of § 8.27 (a) through (g) the insured may elect to receive payment in monthly installments under option 2 (§§ 8.79, 8.80, 8.80c, and 8.81, as applicable) or as a refund life income option in accordance with the applicable provisions of §§ 8.80, 8.80c, 8.81, and 8.92a.'' and adding, in its place, ''the insured may elect to receive payment in monthly installments under option 2 or as a refund life income.''; by removing ''§ 8.89'' and adding, in its place, ''title

38 U.S.C. 1917''; by removing paragraphs (b) and (c).

§ 8.18 [Amended]

40. Newly redesignated § 8.18 is amended by removing ''as set forth in § 8.26(a)''.

41. The newly redesignated § 8.19 is revised to read as follows:

§ 8.19 Conversion of a 5-year level premium term policy as provided for under § 1904 of title 38 U.S.C.

National Service Life Insurance on the level premium term plan which is in force may be exchanged for a permanent plan policy upon written application by the insured and the payment of the current monthly premium at the attained age for the plan of insurance selected (except where premium waiver under 38 U.S.C. 1912 is effective). The reserve (if any) on the policy will be allowed as a credit on the current monthly premium except where premium waiver is effective. Conversion to an endowment plan may not be made while the insured is totally disabled. The conversion will be made without medical examination, except when deemed necessary to determine whether an applicant for conversion to an endowment plan is totally disabled, and upon complete surrender of the term insurance while in force by payment or waiver of premium.

(Authority: 38 U.S.C. 1904)

42. The newly redesignated § 8.21 is revised to read as follows:

§ 8.21 Total disability-speech.

The organic loss of speech shall be deemed to be total disability under National Service Life Insurance. Organic loss of speech will mean the loss of the ability to express oneself, both by voice and whisper, through the normal organs of speech if such loss is caused by organic changes in such organs. Where such loss exists, the fact that some speech can be produced through the use of an artificial appliance or other organs of the body will be disregarded.

43. The newly redesignated § 8.22 is revised to read as follows:

§ 8.22 Beneficiary and optional settlement changes.

The insured shall have the right at any time, and from time to time, and without the knowledge or consent of the beneficiary to cancel or change a beneficiary and/or optional settlement designation. A change of beneficiary or optional settlement to be effective must be made by notice in writing signed by the insured and forwarded to the Department of Veterans Affairs by the insured or designated agent, and must contain sufficient information to identify the insured. A beneficiary designation and an optional settlement selection, but not a change of beneficiary, may be made by last will and testament duly probated. Upon receipt by the Department of Veterans Affairs, a valid designation or change of beneficiary or option shall be deemed to be effective as of the date of execution. Any payment made before proper notice of designation or change of beneficiary has been received in the Department of Veterans Affairs shall be deemed to have been properly made and to satisfy fully the obligations of the United States under such insurance policy to the extent of such payments.

§ 8.23 [Amended]

44. Newly redesignated § 8.23 is amended by removing ''of §§ 3.1(j), 3.204, 3.205 (a) and (b), 3.209, 3.211, and 3.212'' and adding, in its place, ''found in Part 3''.

§ 8.25 [Amended]

45. In newly redesignated § 8.25, paragraph (b) is removed; and paragraph (a) is amended by removing ''(a) Except as provided in paragraph (b) of this section where'' and adding, in its place, ''Where''.

§ 8.27 [Amended]

46. Newly redesignated § 8.27 is amended by removing ''§ 8.64(b)'' and adding, in its place, ''§ 8.25''.

47. The newly redesignated § 8.29 is revised to read as follows:

§ 8.29 Options.

Insurance will be paid in a lump sum only when selected by the insured during his or her lifetime or by his or her last will and testament.

§ 8.30 [Amended]

48. In newly redesignated § 8.30, in the heading, ''and limited convertible 5-year level premium plan'' is removed; in paragraph (a), in the first sentence, ''except as provided in paragraph (c) of this section,'' is removed; and ''or limited convertible 5-year level premium term plan'' is removed; in paragraph (b)(3)(ii), ''(§ 8.1)'' is removed and ''(8.0)'' is added in its place; paragraph (c) is removed

49. Newly redesignated § 8.32 is revised to read as follows:

§ 8.32 Application for reinstatement of total disability income provision.

A total disability income provision which is lapsed may be reinstated if the insured meets the same requirements as those for reinstatement of the policy to which the total disability income provision is attached; except that in no event shall the requirement of a health statement or other medical evidence be waived in connection with the reinstatement of the total disability income provision.

50. Newly redesignated § 8.33 is revised to read as follows:

§ 8.33 Policy provisions.

Contracts of insurance authorized to be made in accordance with the terms and conditions set forth in the forms and policy plans are subject in all respects to the applicable provisions of title 38 U.S.C., amendments and supplements thereto, and applicable Department of Veterans Affairs regulations promulgated pursuant thereto, all of which together with the insured's application, required evidence of health, including physical examination, if required, and tender of premium shall constitute the contract.

[FR Doc. 96–14365 Filed 6–7–96; 8:45 am]
BILLING CODE 8320–01–P

38 CFR Part 17

RIN 2900–AI07

Autopsies

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the autopsies regulations. The regulations in effect prior to the effective date of this document set forth a mechanism for informing the appropriate United States Attorney through a VA Regional Counsel's Office of a death at a VA facility when it is ''suspected that the death resulted from crime or the cause of death is unknown.'' This merely was intended to apply when there was a suspicion that a death resulted from a crime. The words ''or the cause of death is unknown'' are removed based on the determination that they are not necessary to accomplish the intended purpose and could be misunderstood to mean that the autopsy procedures were intended to apply when there is no suspicion of a crime. This document also changes the term ''coroner'' to ''medical examiner/coroner'' to reflect that in the context of the regulations it is appropriate for both names to be used interchangeably.

EFFECTIVE DATE: June 10, 1996.

FOR FURTHER INFORMATION CONTACT: Mary M. Stitak, Staff Assistant to Director, Pathology and Laboratory Medicine Service (111F), Patient Care Services, Veterans Health Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 565–7075.

SUPPLEMENTARY INFORMATION: This final rule consists of nonsubstantive changes and, therefore, is not subject to the notice and comment and effective date provisions of 5 U.S.C. 553.

The Secretary hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5. U.S.C. 601–602. This final rule would not cause a significant effect on any entities since it does not contain any substantive provisions. Therefore, pursuant to 5 U.S.C. 605(b), this amendment is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

The Catalog of Federal Domestic Assistance program numbers are 64008, 64009, and 64010.

List of Subjects in 38 CFR Part 17

Administrative practice and procedure, Alcohol abuse, Alcoholism, Claims, Day care, Dental health, Drug abuse, Foreign relations, Government contracts, Grant programs-health, Grant programs-veterans, Health care, Health facilities, Health professions, Health records, Homeless, Medical and dental schools, Medical devices, Medical research, Mental health programs, Nursing homes, Philippines, Reporting and recordkeeping requirements, Scholarships and fellowships, Travel and transportation expenses, Veterans.

Approved: May 31, 1996.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set forth in the preamble, 38 CFR part 17 is amended as set forth below:

PART 17—MEDICAL

1. The authority citation for part 17 continues to read as follows:

Authority: 38 U.S.C. 501, 1721, unless otherwise noted.

§ 17.170 [Amended]

2. In § 17.170, paragraph (c) is amended by removing ''or the cause of death is unknown'', and paragraph (d) is amended by removing ''coroner'' each time it appears and adding, in its place, ''medical examiner/coroner''.

[FR Doc. 96–14362 Filed 6–7–96; 8:45 am]

BILLING CODE 8320–01–P

38 CFR Part 21

RIN 2900–AH31

Educational Assistance Programs and Service Members Occupational Conversion and Training Act Program

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the educational assistance regulations and the Service Members Occupational Conversion and Training Act (SMOCTA) regulations. It restates statutory provisions of the Veterans' Benefits Improvement Act of 1994 and the National Defense Authorization Act for Fiscal Year 1995. It also makes changes to set forth statutory interpretations of the Department of Veterans Affairs (VA), to reflect current organizational structure within VA, and to provide clarification. These changes affect the Survivors' and Dependents' Educational Assistance program, the Montgomery GI Bill—Active Duty program, the Montgomery GI Bill—Selected Reserve program, the SMOCTA program, and the Post-Vietnam Era Veterans' Educational Assistance program (VEAP).

EFFECTIVE DATE: This final rule is effective June 10, 1996. For more information concerning the application of the provisions of the final rule, see the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer, Assistant Director for Policy and Program Administration, Education Service, Veterans Benefits Administration, (202) 273–7187.

SUPPLEMENTARY INFORMATION: This document amends regulations in 38 CFR Part 21. It amends educational assistance regulations concerning the Survivors' and Dependents' Educational Assistance program in subpart C and the Montgomery GI Bill—Active Duty program in subpart K. Also, this document makes changes to the administrative provisions in subpart D that affect the Survivors' and Dependents' Educational Assistance program, the Montgomery GI Bill—Active Duty program, the Montgomery GI Bill—Selected Reserve program, and VEAP. Further, this document amends the SMOCTA regulations in subpart F–3.

The Veterans' Benefits Improvement Act of 1994 (Pub. L. 103–446) contains many provisions that affect the Montgomery GI Bill—Active Duty program. These include making vocational flight training permanently available under the Montgomery GI Bill—Active Duty program; permitting approval of alternative teacher certification programs for training under the Montgomery GI Bill—Active Duty program; eliminating VA's authority to functionally supervise State approving agencies; restricting approved correspondence courses to accredited courses; and permitting approval of programs of education offered by foreign educational institutions when those programs include courses offered away from the institution's main campus. Accordingly, the regulations in subparts D and K are amended to incorporate the statutory changes.

Pursuant to Pub. L. 103–446, the provisions concerning alternative teacher certification do not apply to the Survivors' and Dependents' Educational Assistance program, and regulations in subpart C governing that program are revised to clarify that fact. The provisions of Pub. L. 103–446 also provide that certain recipients of Survivors' and Dependents' Educational Assistance in the Philippines who were being paid at the rate equivalent to 50 cents on the dollar in Philippine pesos will now be paid in U.S. dollars. The regulations in subpart C are amended accordingly. We also made various changes to SMOCTA regulations in subpart F–3 to reflect the statutory changes made by Pub. L. 103–446. In this regard, the SMOCTA regulations are amended by eliminating the prohibition against training programs that lasted more than 18 months, by eliminating provisions that required a two week wait before a veteran could begin a training program, and by adding an aggregate limit of not more than $10,000 or $12,000, as applicable, that could be paid to employers when a trainee was in more than one training program.

The National Defense Authorization Act for Fiscal Year 1995 (Pub. L. 103–337) contains provisions permitting additional members of the Coast Guard to qualify for the Montgomery GI Bill—Active Duty program. The regulations in subpart K are amended to reflect the statutory change.

VA is prohibited by statute from approving the enrollment of an eligible veteran in a course if 85% or more of the students enrolled in the course are VA-supported. In this regard, vocational flight training is now a permanent part of the Montgomery GI Bill—Active Duty program, the Montgomery GI Bill—Selected Reserve program, and VEAP. The regulations are amended by providing that solo flight training and training in flight simulators are to be included in the calculations for determining whether the 85%–15% requirement has been met in flight courses. This is necessary since in our

view 38 U.S.C. 3680A(d) requires that when educational assistance may be paid to eligible veterans for any courses, those courses are subject to the 85%–15% requirement.

The regulations in subpart D are amended by eliminating references to the Director, Vocational Rehabilitation and Education Service, a position that no longer exists; by removing an obsolete reference to eligibility requirements under the old Vietnam Era GI Bill from the regulations concerning training in foreign schools, since there no longer is any eligibility under the Vietnam Era GI Bill; and clarifying, consistent with the requirements of Pub. L. 103–446, that a person eligible under the Montgomery GI Bill—Active Duty program and the Montgomery GI Bill—Selected Reserve program may train in foreign schools.

Pub. L. 103–446 contains a provision that requires any entity offering an alternative teacher certification program to be considered to be an educational institution for VA purposes during the period beginning on November 2, 1994, and ending on September 30, 1996. This document amends subparts D and K to reflect this statutory change.

This document also amends subparts D and K by adding a definition of ''alternative teacher certification program'' as follows:

The term *alternative teacher certification program*, for the purposes of determining whether an entity offering such a program is a school, educational institution or institution as defined in * * * this section, means a program leading to a teacher's certificate that allows individuals with a bachelor's degree or graduate degree to obtain teacher certification without enrolling in an institution of higher learning.

We believe this is consistent with congressional intent.

The educational assistance regulations in subparts C, D, and K and the SMOCTA regulations in subpart F–3 are further amended by making other changes for purposes of clarification.

The restatements of statute and statutory interpretations of Pub. L. 102–484 and Pub. L. 103–446 contained in this final rule will be applied retroactively from the effective dates of the statutory provisions. However, the revisions concerning the internal VA reorganization and other clarifications will be applied from the effective date of the rule. Dates of application for provisions covered by this document are as follows:

Oct. 1, 1994: § 21.7120.
Oct. 5, 1994: § 21.7045.
Nov. 2, 1994: §§ 21.3333, 21.4152, 21.4155, 21.4200, 21.4250(f), 21.4820, 21.4830, 21.4832, and 21.7020.
Jan. 31, 1995: §§ 21.4252(e) and 21.4279.
June 10, 1996: §§ 21.4201 and 21.4260.

This document makes no substantive changes. It restates statutory provisions, sets forth statutory interpretations, reflects current organizational structure within VA, and makes changes for clarification. Accordingly, there is a basis for dispensing with prior notice and comment and delayed effective date provisions of 5 U.S.C. 552 and 553.

The Secretary of Veterans Affairs hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. This final rule makes no substantive changes. Pursuant to 5 U.S.C. 605(b), this final rule, therefore, is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

The Catalog of Federal Domestic Assistance numbers for programs affected by this final rule are 64.117, 64.120, and 64.124. No Catalog of Federal Domestic Assistance number has been assigned to the Montgomery GI Bill—Selected Reserve program or the training programs under the Service Members Occupational Conversion and Training Act.

List of Subjects in 38 CFR Part 21

Administrative practice and procedure, Armed forces, Civil rights, Claims, Colleges and universities, Conflict of interests, Defense Department, Education, Employment, Grant programs—education, Grant programs—veterans, Health care, Loan programs—education, Loan programs—veterans, Manpower training programs, Reporting and recordkeeping requirements, Schools, Travel and transportation expenses, Veterans, Vocational education, Vocational rehabilitation.

Approved: May 31, 1996.

Jesse Brown,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 21 is amended as set forth below.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart C—Survivors' and Dependents' Educational Assistance Under 38 U.S.C. Chapter 35

1. The authority citation for subpart C is revised to read as follows:

Authority: 38 U.S.C. 501(a), 512, 3500–3566, unless otherwise noted.

2. In § 21.3021, paragraph (k) is redesignated as paragraph (l); and new paragraph (k) is added and newly redesignated paragraph (l) is revised, to read as follows:

§ 21.3021 Definitions.

* * * * *

(k) *School, educational institution, institution.* The terms *school, educational institution* and *institution* mean:

(1) A vocational school or business school;

(2) A junior college, teachers' college, college, normal school, professional school, university, or scientific or technical institution;

(3) A public or private secondary school;

(4) A training establishment as defined in § 21.4200(c); or

(5) An institution that provides specialized vocational training, generally recognized as on the secondary school level or above, for people with mental or physical disabilities.

(Authority: 38 U.S.C. 3501(a)(6), 3535)

* * * * *

(l) *Additional definitions.* The definitions of all terms that are defined in § 21.4200 but that are not defined in this section apply to subpart C of this part.

(Authority: 38 U.S.C. 501, 3501)

* * * * *

3. In § 21.3333, paragraph (c) is revised to read as follows:

§ 21.3333 Rates.

* * * * *

(c) *Payments made to eligible persons in the Republic of the Philippines or to certain Filipinos.* When the eligible person is pursuing training at an institution located in the Republic of the Philippines or when an eligible child's entitlement is based on the service of a veteran in the Philippine Commonwealth Army, or as a Philippine Scout as defined in § 3.8(b), (c), or (d) of this chapter, payments of special training allowance made after December 31, 1994, will be made at the rate of 50 cents for each dollar authorized.

(Authority: 38 U.S.C. 3532(d), 3542, 3565)

* * * * *

Subpart D—Administration of Educational Assistance Programs

4. The authority citation for subpart D continues to read as follows:

Authority: 10 U.S.C. ch. 1606; 38 U.S.C. 501(a), chs. 30, 32, 34, 35, 36, unless otherwise noted.

§ 21.4155 [Amended]

5. In § 21.4152, paragraph (a) is amended by removing ''Except as provided in § 21.4155 of this part, no'' and adding, in its place, ''No''.

§ 21.4152 [Amended]

6. In § 21.4155, paragraph (b) is removed and paragraphs (c) and (d) are redesignated as paragraphs (b) and (c), respectively.

7. In § 21.4200, paragraph (a) is revised and paragraph (w) is added, to read as follows:

§ 21.4200 Definitions.

(a) *School, educational institution, institution.* The terms *school, educational institution* and *institution* mean:

(1) A vocational school or business school;

(2) A junior college, teachers' college, college, normal school, professional school, university, or scientific or technical institution;

(3) A public or private elementary school or secondary school;

(4) A training establishment as defined in paragraph (c) of this section; or

(5) Any entity during the period beginning on November 2, 1994, and ending on September 30, 1996, other than an institution of higher learning, that provides training for completion of a State-approved alternative teacher certification program.

(Authority: 38 U.S.C. 3452)

* * * * *

(w) *Alternative teacher certification program.* The term *alternative teacher certification program,* for the purposes of determining whether an entity offering such a program is a school, educational institution, or institution as defined in paragraph (a)(5) of this section, means a program leading to a teacher's certificate that allows individuals with a bachelor's degree or graduate degree to obtain teacher certification without enrolling in an institution of higher learning.

(Authority: 38 U.S.C. 3452(c))

* * * * *

8. In § 21.4201, paragraph (e)(3)(ii) introductory text is amended by removing ''part 141, Title 14, Code of Federal Regulations'' in each place and adding, in its place, ''14 CFR part 141''; paragraphs (e)(3)(ii)(B) and (e)(3)(ii)(C) are removed; paragraphs (e)(3)(ii)(D) and (e)(3)(ii)(E) are redesignated as paragraphs (e)(3)(ii)(B) and (e)(3)(ii)(C), respectively; and the section heading and newly redesignated paragraph (e)(3)(ii)(C) are revised to read as follows:

§ 21.4201 Restrictions on enrollment; percentage of students receiving financial support.

* * * * *

(e) * * *

(3) * * *

(ii) * * *

(C) For students enrolled in courses not approved under 14 CFR part 141, such as courses offered by flight simulator or courses for navigator or flight engineer, shall include ground training time or charges; actual logged instructional flight time or charges; and instructional time in a flight simulator or charges for that training.

(Authority: 10 U.S.C. 16136(c); 38 U.S.C. 3034(d), 3680A(d))

* * * * *

9. In § 21.4252, paragraph (e) is revised and paragraph (f) is added, to read as follows:

§ 21.4252 Courses precluded.

* * * * *

(e) *Correspondence courses.* (1) VA will not approve the enrollment of an individual under 10 U.S.C. Chapter 1606 or 38 U.S.C. Chapter 30, 32, or 35 in a correspondence course or the correspondence portion of a correspondence-residence course unless the course is accredited and meets the requirements of §§ 21.4253, 21.4256, and 21.4279, as appropriate.

(2) VA will not approve the enrollment of an eligible child under 38 U.S.C. Chapter 35 in a correspondence course or the correspondence portion of a correspondence-residence course.

(Authority: 38 U.S.C. 3534(b))

(f) *Alternative teacher certification program.* VA will not approve the enrollment of an eligible person under 38 U.S.C. Chapter 35 in an alternative teacher certification program unless that program is offered by an institution of higher learning as defined in § 21.4200(h).

(Authority: 38 U.S.C. 3452(c), 3501(a)(6))

* * * * *

10. In § 21.4260, paragraphs (b)(2), (b)(3)(ii)(B), (b)(5), and (b)(6) are amended by removing ''Vocational Rehabilitation and''; paragraph (c)(1) is amended by removing ''of eligible'' and adding, in its place, ''or eligible''; and paragraphs (c)(1)(i), (c)(1)(ii), and (c)(2) are revised to read as follows:

§ 21.4260 Courses in foreign countries.

* * * * *

(c) * * *

(1) * * *

(i) The eligible person, serviceperson, veteran, or reservist meets the eligibility and entitlement requirements of either §§ 21.3040 through 21.3046, §§ 21.5040 and 21.5041, §§ 21.7040 through 21.7045, or § 21.7540, as appropriate;

(ii) The eligible person's, serviceperson's, veteran's, or reservist's program of education meets the requirements of either § 21.3021(h), § 21.5230, § 21.7020(b)(23), or § 21.7520(b)(17), as appropriate; and

* * * * *

(2) VA may deny or discontinue the payment of educational assistance allowance to a veteran, serviceperson, eligible person or reservist pursuing a course in an institution of higher learning not located in a State when VA finds that the veteran's, serviceperson's, eligible person's, or reservist's enrollment is not in his or her best interest or the best interest of the Federal Government.

(Authority: 38 U.S.C. 3687)

11. In § 21.4279, paragraph (b) introductory text and paragraph (b)(1) are revised to read as follows:

§ 21.4279 Combination correspondence-residence program.

* * * * *

(b) *Payment for pursuit of a correspondence-residence program.* The rate of educational assistance payable to a spouse or surviving spouse under 38 U.S.C. Chapter 35 for the residence portion of a correspondence-residence course or program shall be computed as set forth in §§ 21.3131(a) and 21.4270.

(1) The charges for that portion of the course or program pursued exclusively by correspondence will be in accordance with § 21.3131(a) with 1 month entitlement charged for each $404 of cost reimbursed.

(Authority: 38 U.S.C. 3534)

* * * * *

Subpart F–3—Service Members Occupational Conversion and Training Program

12. The authority citation for subpart F–3 is revised to read as follows:

Authority: 10 U.S.C. 1143 note; sec. 4481–4497, Pub. L. 102–484, 106 Stat. 2757–2769; sec. 610, Pub. L. 103–446, 108 Stat. 4673–4674, unless otherwise noted.

13. Section 21.4820 is amended by removing paragraph (a)(3) introductory text; redesignating paragraphs (a)(3)(i) and (a)(3)(ii) as paragraphs (a)(3) and (a)(4), respectively; and paragraph (a)(1) and newly redesignated paragraph (a)(4) are revised to read as follows:

§ 21.4820 Job training program approval.

(a) * * *

(1) The training provided under an employer's job training program must be in a field of employment providing a

reasonable probability of stable, long-term employment and such training must be provided for a period of not less than 6 months.

* * * * *

(4) If a job training program requires more than 18 months (or the equivalent in training hours) of training to complete, the period of training approvable for purposes of this subpart will be limited to the first 18 months (or the equivalent in training hours) of training under that program, or a period of training not to exceed 18 months (or the equivalent in training hours) from the point at which the eligible person enters the program in the case where the employer grants credit for prior training. (See § 21.4832(a)(3)).

(Authority: 10 U.S.C. 1143 note; sec. 4481–4497, Pub. L. 102–484, 106 Stat. 2757–2769, as amended by sec. 610, Pub. L. 103–446, 108 Stat. 4673–4674)

* * * * *

14. In § 21.4830, paragraph (b)(2) is revised to read as follows:

§ 21.4830 Entrance into training.

* * * * *

(b) * * *

(2) The eligible person may enter the job training program on or after the date the notice of intent to hire described in paragraph (a) of this section is submitted to VA. However, VA may not provide assistance to the employer if, within two weeks after the date on which the notice of intent to hire is transmitted to VA, VA disapproves the eligible person's entry into that program due to a lack of funds.

* * * * *

15–16. In § 21.4832, paragraph (d)(1) introductory text is revised to read as follows:

§ 21.4832 Payments to employers.

* * * * *

(d) *Limitations on amount of payments.* (1) In no case will the sum of the periodic payments and the lump-sum payment made to an employer for all programs of training that an eligible veteran may pursue with that employer exceed:

* * * * *

Subpart K—All Volunteer Force Educational Assistance Program (Montgomery GI Bill—Active Duty)

17. The authority citation for subpart K is revised to read as follows:

Authority: 38 U.S.C. 501(a), chs. 30, 36, unless otherwise noted.

18. In § 21.7020, paragraph (b)(29) is revised and paragraph (b)(43) is added, to read as follows:

§ 21.7020 Definitions.

* * * * *

(b) * * *

(29) *School, educational institution, institution.* The terms *school, educational institution,* and *institution* mean—

(i) Any vocational school, correspondence school, business school, junior college, teachers' college, college, normal school, professional school, university or scientific or technical institution;

(ii) Any public or private elementary school or secondary school which offers courses for adults, provided that the courses lead to an objective other than an elementary school diploma, a high school diploma or their equivalents; and

(iii) An entity, during the period beginning on November 2, 1994, and ending on September 30, 1996, other than an institution of higher learning, that provides training required for completion of a State-approved alternative teacher certification program.

(Authority: 38 U.S.C. 3002(8), 3452(c); Pub. L. 98–525, Pub. L. 103–446)

* * * * *

(43) *Alternative teacher certification program.* The term *alternative teacher certification program,* for the purposes of determining whether an entity offering such a program is a school, educational institution or institution as defined in paragraph (b)(29)(iii) of this section, means a program leading to a teacher's certificate that allows individuals with a bachelor's degree or graduate degree to obtain teacher certification without enrolling in an institution of higher learning.

(Authority: 38 U.S.C. 3452(c))

19. In § 21.7045, paragraph (a)(1), paragraph (b), introductory text, and the authority citations for paragraphs (a) and (b) are revised, to read as follows:

§ 21.7045 Eligibility based on involuntary separation or voluntary separation.

* * * * *

(a) * * *

(1) The individual—

(i) If not a member of the Coast Guard, must be on active duty or full-time National Guard duty either on September 30, 1990, or after November 29, 1993, or if a member of the Coast Guard, must be on active duty after September 30, 1994, and

(ii) After February 2, 1991, must be involuntarily separated, as that term is defined in 10 U.S.C. 1141, with an honorable discharge; or

* * * * *

(Authority: 10 U.S.C. 1141; 38 U.S.C. 3018A)

(b) *Additional requirements for those individuals voluntarily separated after October 23, 1992, or involuntarily separated.* An individual who meets the requirements of paragraph (a)(1) of this section; or an individual who meets the requirements of paragraph (a)(2) of this section and who either was not a member of the Coast Guard and was separated after October 22, 1992, or who was a member of the Coast Guard and was separated after September 30, 1994, must meet the following additional requirements in order to establish eligibility for educational assistance:

* * * * *

(Authority: 38 U.S.C. 3018B)

* * * * *

§ 21.7120 [Amended]

20. In § 21.7120, paragraph (c)(1)(ii)(D) is amended by removing ''and before October 1, 1994''.

[FR Doc. 96–14363 Filed 6–7–96; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF DEFENSE

DEPARTMENT OF TRANSPORTATION

Coast Guard

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900–AE43

Educational Assistance for Members of the Selected Reserve

AGENCIES: Department of Defense, Department of Transportation (Coast Guard), and Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the regulations for the Montgomery GI Bill—Selected Reserve program to reflect statutory changes by adding for certain reservists new types of permissible training such as apprenticeship and other on-job training, cooperative training, and flight training; by liberalizing the eligibility provisions; and by increasing the rates of payment. The regulations are also amended by adding additional restatements of statute, interpretive rules, and nonsubstantive changes.

DATES: Effective Date: This final rule is effective June 10, 1996.

Applicability Dates: The restatements of statute and VA's statutory interpretations contained in this final rule will be applied retroactively from

the effective dates of the statutory provisions. For more information concerning the application of the provisions of this final rule, see the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer, Assistant Director for Policy and Program Administration, Education Service, Veterans Benefits Administration, Department of Veterans Affairs, (202) 273–7187.

SUPPLEMENTARY INFORMATION: In a document published in the Federal Register on September 2, 1994 (59 FR 45644), the Department of Defense, the Department of Transportation (Coast Guard), and the Department of Veterans Affairs proposed to amend the ''Educational Assistance for Members of the Selected Reserve'' regulations which are set forth at 38 CFR § 21.7500 *et seq.* It was proposed to amend the regulations to implement provisions of the Veterans Education and Employment Amendments of 1989 (Title IV of Pub. L. 101–237), the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Pub. L. 101–189), and the Veterans Education and Employment Programs Amendments (Pub. L. 102–16) that affected the Montgomery GI Bill—Selected Reserve program. Interested persons were given 60 days to submit comments. One comment was received. The comment, signed by six students at a university, urged that the proposed rule be adopted.

Based on the rationale set forth in the proposed rule document, we are adopting the provisions of the proposed rule as a final rule, except as otherwise explained below.

Prior to the effective date of this document, as a prerequisite for VA educational assistance, reservists in courses not leading to a standard college degree were required to submit to VA a monthly report endorsed by the educational institution stating each day of absence from scheduled attendance. The proposed rule would have deleted such requirements for reservists in a course not leading to a standard college degree. We are adopting this portion of the proposal. It was proposed with certain exceptions to establish new reporting requirements for reservists both in courses leading to a standard college degree and in courses not leading to a standard college degree. In this regard, it was proposed to require all reservists other than those in flight training or correspondence courses to submit a verification (without endorsement of educational institutions) of continued pursuit of the reservist's program of education before monthly benefits were paid. The proposed provisions concerning verification of pursuit are not adopted for reservists in courses leading to a standard college degree but are adopted for reservists in courses (other than flight or correspondence courses) not leading to a standard college degree. Experience in similar programs has shown that because of frequent changes in enrollment it is necessary to continue to obtain monthly reports from the small percentage of reservists in courses not leading to a standard college degree. However, the proposed provisions concerning verification of pursuit for reservists in courses leading to a standard college degree are not adopted because VA simply does not have resources at this time to process the verifications.

Restatements of Statutory Provisions and Other Conforming Changes

Changes are made to the final rule to include restatements of statutes and other conforming changes as follows:

1. Section 21.7636 is amended to reflect that the Persian Gulf Supplemental Authorization and Personnel Benefits Act of 1991 (Pub. L. 102–25), the Veterans' Benefit Act of 1992 (Pub. L. 102–568), and the Omnibus Budget Reconciliation Act of 1993 (Pub. L. 103–66) changed the monthly rates of educational assistance payable to reservists beginning October 1, 1991, for training full time, three quarters time, and half time under the Montgomery GI Bill—Selected Reserve program. Section 21.7636 is also amended by making corresponding changes for training one quarter time, which under the regulations is one quarter the amount of full time.

2. Sections 21.7540, 21.7622, 21.7635(r), and 21.7639 (f) and (k) are amended to reflect that Public Law 101–189 added with respect to training that may be pursued under the Montgomery GI Bill—Selected Reserve program certain liberalizing provisions that it applied only to a reservist who, after September 30, 1990, makes a new commitment to serve six years in the Selected Reserve. Accordingly, those sections of the regulations are amended to reflect that such a reservist, if otherwise eligible, may pursue under the Montgomery GI Bill—Selected Reserve program: a course that is offered by an educational institution which is not an institution of higher learning; a correspondence course; a program of education leading to a standard college degree offered solely by independent study; a refresher, remedial, or deficiency course; a cooperative course; an apprenticeship or other on-job training; and a flight course.

3. Section 21.7576 is amended to reflect the provisions in Public Law 101–189 concerning how VA will apply entitlement charges to flight training, correspondence training, cooperative training, and apprenticeship or other on-job training.

4. Changes are made to §§ 21.7540(b)(3)(iii), 21.7620(c), 21.7622(f)(vi), and 21.7722 to reflect that Public Law 102–568 changed the provisions with respect to approval for VA educational assistance to add a requirement that an independent study program must be accredited, except that such requirement is not added for a reservist who, as of October 29, 1992, was receiving educational assistance for pursuit of an independent study program, and who has remained continuously enrolled in that program.

5. Sections 21.7631(a) and 21.7642(e) are amended to reflect that the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484) provides that a reservist who enters a program of job training under the Service Members Occupational Conversion and Training Act of 1992 (SMOCTA) is barred from receiving educational assistance under the Montgomery GI Bill—Selected Reserve program for the same period for which SMOCTA assistance is paid.

6. Section 21.7635(a) is amended to reflect that Public Law 102–568 provides that when a reservist receives an advance payment of educational assistance and dies during the period covered by the advance payment, the ending date of educational assistance is the last date of the advance payment period.

7. Section 21.7639(a) is amended to reflect that Public Law 101–237 repealed certain provisions concerning payment reductions resulting from excessive absences.

8. Section 21.7639 (f)(1) and (2) is amended to reflect that Public Law 102–568 repealed certain provisions concerning the rate of payment for a program pursued in whole or in part by independent study.

9. Section 21.7645(e) is amended to reflect that Public Law 102–568 limits work-study advance payments to 50 times the hourly wage specified in the work-study contract for reservists eligible for educational assistance under the Montgomery GI Bill—Selected Reserve program who participate in VA's work-study program.

10. Section 21.7672 is amended to reflect that Public Law 102–568 revised the course measurement provisions that determine whether a reservist's

enrollment under the Montgomery GI Bill—Selected Reserve program is full time, three-quarter time, half time, or one-quarter time.

11. Section 21.7722 is amended to reflect that Public Law 102–568 specifically allows approval of certain courses for training an individual to become a nurse's aide.

12. Sections 21.7540(b), 21.7620(d), 21.7622(f), 21.7670, and 21.7722 are amended to reflect that Public Law 103–160 makes graduate training available under the Montgomery GI Bill—Selected Reserve program.

13. Section 21.7520(b) is amended to reflect that Public Law 103–446 contains a provision that requires any entity offering an alternative teacher certification program to be considered to be an educational institution for VA purposes during the period beginning on November 2, 1994, and ending on September 30, 1996.

14. Section 21.7520(b) is amended to reflect that Public Law 103–446 prohibits VA from supervising the State approving agencies (SAAs) that approve courses for VA training.

Interpretations

As discussed above, Public Law 102–568 provides that the prohibition against VA payment of educational assistance for nonaccredited independent study programs does not apply to a reservist who, as of October 29, 1992, was receiving educational assistance for pursuit of an independent study program, and who has remained continuously enrolled in that program. This document adds a definition of ''continuously enrolled'' as meaning being in an enrolled status at an educational institution for each day during the ordinary school year and for consecutive school years. In this regard, continuity of enrollment is not considered broken by holiday vacations, vacation periods, periods during the school year between terms, quarters, or semesters, or by nonenrollment during periods of enrollment outside the ordinary school year (e.g., summer sessions). We believe this is consistent with its common meaning and the congressional intent. We have also provided in § 21.7620(c)(4) that whether or not a reservist is ''enrolled'' will be determined by the regularly prescribed standards and practices of the educational institution offering the course or unit subject. Further, in determining whether payment may be made for a nonaccredited course or unit subject offered entirely or partly by independent study, we interpret the term ''independent study program'', consistently with the definition of independent study found in § 21.4267, to mean a course or unit subject that is offered entirely or partly by independent study as well as an entire program of education of which such nonaccredited course or unit subject is a required part. We believe that our use of the terms ''enrolled'' and ''independent study program'' are consistent with congressional intent.

Public Law 102–484 provided exceptions to the general rule that on the date a reservist ceases to be in the Selected Reserve, the reservist loses eligibility for educational assistance under the Montgomery GI Bill—Selected Reserve program. However, as noted above, these exceptions do not apply to a reservist who ceases to be a reservist because the Secretary of a military department needs to reduce the number of members in certain grades or who have completed a certain number of years of service, or the number of members who possess certain military skills or are serving in designated competitive categories. For such a reservist, VA will determine which of the rules concerning the ending dates of eligibility apply to the reservist. (For example, the rules concerning discharge for disability, leaving the Selected Reserves in the middle of a school term, etc., may apply to such a reservist). In this regard, § 21.7550 is amended to provide that if more than one rule applies, VA will apply the one that is the most advantageous to the reservist. We believe that this interpretation is in agreement with congressional intent.

Public Law 102–568 sets forth criteria for measuring full-time enrollment for trade courses, technical courses, and undergraduate courses. These courses are measured by the educational institution on either a clock-hour or a credit-hour basis. The current regulations already set forth formulas for converting clock hours into credit hours, and vice versa. In our view, the provisions of Public Law 102–568 require that all hours be measured consistent with the statutory measurement criteria applicable to the primary institution. Accordingly, the regulations at § 21.7673 are amended to reflect this requirement.

As noted above, Public Law 103–446 contains a provision that requires any entity offering an alternative teacher certification program to be considered to be an educational institution for VA purposes during the period beginning on November 2, 1994, and ending on September 30, 1996. This final rule defines ''alternative teacher certification program'' as follows:

> The term *alternative teacher certification program,* for the purposes of determining whether an entity offering such a program is a school, educational institution, or institution [as elsewhere defined in this section], means a program leading to a teacher's certificate that allows individuals with a bachelor's degree or graduate degree to obtain teacher certification without enrolling in an institution of higher learning.

We believe this is consistent with the congressional intent.

As noted above, under the provisions of Public Law 102–568 payments of educational assistance could under certain circumstances be terminated for reservists enrolled in a nonaccredited independent study course. This document provides that educational assistance would terminate from the date the course loses accreditation. VA believes that usually the State approving agency would make its date of withdrawal of approval effective on the date of the loss of accreditation. Rather than have VA continue to pay benefits to someone while waiting for a State approving agency to act, only to have those payments become an overpayment when the SAA formally withdraws approval retroactively to the effective date of the loss of accreditation, this final rule provides that the effective date of termination of payment of educational assistance for pursuit of such a course is the date on which the course loses its accreditation. VA believes this approach accords with the intent of the statutory prohibition concerning payment for nonaccredited independent study courses.

Other Nonsubstantive Changes

Further, this final rule makes nonsubstantive changes to correct typographical errors, to clarify provisions, and to update legal citations.

Dates of Application

Restatements of statute and statutory interpretations made by this final rule will be applied retroactively from the effective dates of the statutory provisions. The dates of application for such changes and for certain of the nonsubstantive changes made for clarity, to correct typographical errors, or to reflect statutory recodification changes are as follows:

December 18, 1989: §§ 21.7639(a); 21.7640(a)(2); 21.7642 (a)(7), (a)(8), and (a)(9); 21.7653; 21.7654; and 21.7672(d).

May 1, 1990: § 21.7645 (a), (b), (c), (d), (e)(1), (f), (g), and (h).

September 30, 1990: §§ 21.7520(b)(19)(i)(E); 21.7576 (a)(1), (b)(5), and (b)(7); 21.7620 (b)(1)(i), (b)(1)(ii)(A), (B), (C), and (D), and (2);

21.7639(i); 21.7640(a)(5); and 21.7670(b).

October 1, 1990: §§ 21.7520 (b)(1), (b)(17), (b)(19)(i)(A), (B), (C), and (D), and (ii), (b)(20), (b)(23)(i), (ii), and (iii), (b)(30), (b)(31), and (b)(32); 21.7540 (a) and (b); 21.7576 (a)(2), (a)(3), (a)(4), (b)(1), (b)(2), (b)(3), (b)(4), and (b)(6); 21.7612; 21.7622 (f)(1), (f)(2), (f)(4)(i), (ii), (iii), (iv), and (v); 21.7624; 21.7631(a)(1) and headings for paragraphs (b) and (c); 21.7635 (b)(3), (b)(4), (b)(5), and (r); 21.7636(a)(2)(ii) and (b); 21.7639(f), (g), (h), (j), and (k); 21.7640 (a)(1), (a)(3), (a)(4), and (b)(1); 21.7674; 21.7700(a); 21.7720 (a) and (b); 21.7722 (a)(1) and (a)(2); and 21.7722(b).

October 23, 1992: §§ 21.7550; 21.7631(g); 21.7635 (w) and (x); 21.7642(e)(2); and 21.7700(f).

October 29, 1992: §§ 21.7520 (b)(11) and (b)(34); 21.7620(c); 21.7622(f)(4)(vi); 21.7635 (a) and (v); 21.7645(e)(2); 21.7670(f); 21.7700(g); 21.7722(a)(3); and the removal of § 21.7670(d).

July 1, 1993: §§ 21.7672 (b)(1), (b)(3), (b)(4), (b)(5), (c), (e), and (f); and 21.7673.

November 30, 1993: §§ 21.7620(d); 21.7622(f)(3); 21.7670, heading and introductory text; and 21.7622, introductory text and the removal of § 21.7722, introductory text, and paragraphs (c), (d), (e), (f), (g), (h) (i), (j), (k), (l), (m), (n), and (o).

October 1, 1994: § 21.7620(b)(1)(ii)(E).

November 2, 1994: §§ 21.7520(b)(23)(iv) and (b)(35); and 21.7700, introductory text.

The effective date for § 21.7636(a)(1) and (a)(3) is June 10, 1996. However, VA will apply the rates stated in those paragraphs retroactively to training completed in the past as stated in those paragraphs.

The amendments to the following are for clarification and for the purpose of eliminating typographical errors, or are authority citations: §§ 21.7639 section heading, (b)(1), and (e); 21.7642(a)(6); and 21.7700, authority citation. The effective date of these provisions is June 10, 1996.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act, the information collection or recordkeeping requirements included, in whole or in part, in this final rule have been approved by the Office of Management and Budget (OMB) under OMB control numbers 2900–0073, 2900–0552, and 2900–0553 (see §§ 21.7640, 21.7653, and 21.7654).

As noted above, the proposed reporting requirements for verification of pursuit, which were approved under OMB control number 2900–0553, are not adopted for reservists in courses leading to a standard college degree. The reporting burden per response will not change. However, fewer reservists will be required to report.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control numbers assigned to the collections of information in these final regulations are displayed at the end of the affected sections of the regulations.

Administrative Procedure Act

In addition to the adoption of provisions based on the proposed rule, this final rule consists of changes not subject to the notice and comment provisions of 5 U.S.C. 553, i.e., interpretive rules and nonsubstantive changes.

Regulatory Flexibility Act

The Secretary of Defense, the Commandant of the Coast Guard, and the Secretary of Veterans Affairs hereby certify that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. This final rule in large part directly affects only individuals. Although it is possible that a small-entity (small-entity school) could be affected by this rulemaking, the number of individuals affected at the school would in all likelihood be an insignificant portion of the student body. Pursuant to 5 U.S.C. 605(b), this final rule, therefore, is exempt from the initial and final regulatory flexibility analyses requirements of §§ 603 and 604.

Catalog of Federal Domestic Assistance

There is no Catalog of Federal Domestic Assistance number for the program affected by this final rule.

List of Subjects in 38 CFR Part 21

Administrative practice and procedure, Armed forces, Civil rights, Claims, Colleges and universities, Conflict of interests, Defense Department, Education, Employment, Grant programs—education, Grant programs—veterans, Health care, Loan programs—education, Loan programs—veterans, Manpower training programs, Reporting and recordkeeping requirements, Schools, Travel and transportation expenses, Veterans, Vocational education, Vocational rehabilitation.

Approved: May 17, 1996.

Jesse Brown,

Secretary of Veterans Affairs.

Approved: May 29, 1996.

Al H. Bemis,

Deputy Assistant Secretary of Defense for Reserve Affairs (M&P).

Approved: May 31, 1996.

R.M. Larrabee,

Rear Admiral, U.S. Coast Guard, Director of Reserve and Training.

For the reasons set out in the preamble, 38 CFR part 21 (subpart L) is amended as set forth below.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart L—Educational Assistance for Members of the Selected Reserve

1. The authority citation for part 21, subpart L is revised to read as follows:

Authority: 10 U.S.C. ch. 1606; 38 U.S.C. 501, ch. 36, unless otherwise noted.

2. In § 21.7520, paragraph (b)(11) is amended by removing ''§ 21.4280(c)'' and adding, in its place, ''§ 21.4267(b)''; and paragraphs (b)(1), (b)(17), (b)(19), (b)(20), and (b)(23) are revised, and paragraphs (b)(30), (b)(31), (b)(32), (b)(33), and (b)(35) are added, to read as follows:

§ 21.7520 Definitions.

* * * * *

(b) *Other definitions.* (1) *Attendance.* The term *attendance* means the presence of a reservist—

(i) In the class where the approved course in which he or she is enrolled is taught;

(ii) At a training establishment; or

(iii) In any other place of instruction, training, or study designated by the educational institution or training establishment where the reservist is enrolled and is pursuing a program of education.

(Authority: 10 U.S.C. 2131(c)(1), 2136(b); 38 U.S.C. 3474; sec. 705(a)(1), Pub. L. 98–525, 98 Stat. 2565, 2567; sec. 642, Pub. L. 101–189, 103 Stat. 1456–1458)

* * * * *

(17) *Program of education.* A program of education—

(i) Is any unit course or subject or combination of unit courses or subjects pursued by a reservist at an educational institution, required by the Administrator of the Small Business Administration as a condition to obtaining financial assistance under the provisions of 15 U.S.C. 636; or

(ii) Is a combination of subjects or unit courses pursued at an educational institution, which combination is

generally accepted as necessary to meet requirements for a predetermined educational, professional, or vocational objective. It may consist of subjects or courses which fulfill requirements for more than one objective if all objectives pursued are generally recognized as being related to a single career field; and

(iii) Includes an approved full-time program of apprenticeship or of other on-job training.

(Authority: 10 U.S.C. 2131; 38 U.S.C. 3452(b); sec. 705(a)(1), Pub. L. 98–525, 98 Stat. 2565, 2567; secs. 642(a), (b), (d), 645, Pub. L. 101–189, 103 Stat. 1456–1458)

* * * * *

(19) *Pursuit.*

(i) The term *pursuit* means work, while enrolled, toward the objective of a program of education. This work must be in accordance with approved institutional policy and regulations, and with applicable criteria of 10 U.S.C. and 38 U.S.C.; must be necessary to reach the program's objective; and must be accomplished through—

(A) Resident courses;

(B) Independent study;

(C) Correspondence courses;

(D) An apprenticeship or other on-job training program; or

(E) Flight courses.

(Authority: 10 U.S.C 2131, 2136; 38 U.S.C. 3680(g); sec. 705(a)(1), Pub. L. 98–525, 98 Stat. 2565, 2567; secs. 642, 645, Pub. L. 101–189, 103 Stat. 1456–1458)

(ii) VA will consider a reservist who qualifies for payment during an interval, school closing, or holiday vacation to be in pursuit of a program of education during the interval, school closing, or holiday vacation.

(Authority: 10 U.S.C. 2136(b); 38 U.S.C. 3680(g); sec. 705(a)(1), Pub. L. 98–525, 98 Stat. 2565, 2567; sec. 642(c), (d), Pub. L. 101–189, 103 Stat. 1457–1458)

(20) *Refresher course.* The term *refresher course* means either:

(i) A course at the elementary or secondary level to review or update material previously covered in a course that has been satisfactorily completed; or

(ii) A course which permits an individual to update knowledge and skills or be instructed in the technological advances which have occurred in the reservist's field of employment since his or her entry on active duty and which is necessary to enable the individual to pursue an approved program of education.

(Authority: 10 U.S.C. 2131(b), (c); sec. 705(a)(1), Pub. L. 98–525, 98 Stat. 2565; secs. 642(a), (b), (d), 645(a), (b), Pub. L. 101–189, 103 Stat. 1456–1458))

* * * * *

(23) *School, educational institution, institution.* The terms *school, educational institution,* and *institution* mean:

(i) A vocational school or business school;

(ii) A junior college, teachers' college, college, normal school, professional school, university, or scientific or technical institution;

(iii) A public or private elementary school or secondary school which offers courses for adults, provided that the courses lead to an objective other than an elementary school diploma, a high school diploma, or their equivalents; or

(iv) Any entity, during the period beginning on November 2, 1994, and ending on September 30, 1996, other than an institution of higher learning, that provides training required for completion of a State-approved alternative teacher certification program.

(Authority: 10 U.S.C. 2131(a), (c); 38 U.S.C. 3002, 3452; sec. 705(a)(1), Pub. L. 98–525, 98 Stat. 2565; sec. 642(a), (b), (d), Pub. L. 101–189, 103 Stat. 1456–1458)

* * * * *

(30) *Cooperative course.* The term *cooperative course* means a full-time program of education which consists of institutional courses and alternate phases of training in a business or industrial establishment with the training in the business or industrial establishment being strictly supplemental to the institutional portion.

(Authority: 10 U.S.C. 2131(e); 38 U.S.C. 3686; sec. 642(b), (d), Pub. L. 101–189, 103 Stat. 1456–1458)

(31) *Established charge.* The term *established charge* means the lesser of—

(i) The charge for the correspondence course or courses determined on the basis of the lowest extended time payment plan offered by the educational institution and approved by the appropriate State approving agency; or

(ii) The actual charge to the reservist.

(Authority: 10 U.S.C. 2131(f); sec. 642(b), (d), Pub. L. 101–189, 103 Stat. 1456–1458)

(32) *Training establishment.* The term *training establishment* means any establishment providing apprentice or other on-job training, including those under the supervision of a college, university, any State department of education, any State apprenticeship agency, any State board of vocational education, any joint apprenticeship committee, the Bureau of Apprenticeship and Training established in accordance with 29 U.S.C. chapter 4C, or any agency of the Federal government authorized to supervise such training.

(Authority: 10 U.S.C. 2131(d), 16136(b); 38 U.S.C. 3452(e); sec. 642(b), (d), Pub. L. 101–189, 103 Stat. 1456–1458)

(33) *Continuously enrolled.* The term *continuously enrolled* means being in an enrolled status at an educational institution for each day during the ordinary school year, and for consecutive school years. Consequently, continuity of enrollment is not broken by holiday vacations, vacation periods, periods during the school year between terms, quarters, or semesters, or by nonenrollment during periods of enrollment outside the ordinary school year (e.g., summer sessions).

(Authority: 10 U.S.C. 16136(b))

* * * * *

(35) *Alternative teacher certification program.* The term *alternative teacher certification program,* for the purposes of determining whether an entity offering such a program is a school, educational institution, or institution as defined in paragraph (b)(23)(iv) of this section, means a program leading to a teacher's certificate that allows individuals with a bachelor's degree or graduate degree to obtain teacher certification without enrolling in an institution of higher learning.

(Authority: 10 U.S.C. 16136; 38 U.S.C. 3452(c))

3. In § 21.7540, paragraphs (b) and (c) are redesignated as paragraphs (c) and (d), respectively; and paragraph (a) is revised, and a new paragraph (b) is added, to read as follows:

§ 21.7540 Eligibility for educational assistance.

(a) *Basic eligibility requirements.* The Armed Forces will determine whether a reservist is eligible to receive benefits pursuant to 10 U.S.C. chapter 1606 (or 10 U.S.C. chapter 106 as in effect before December 1, 1994). To be eligible a reservist—

(1) Shall:

(i) Enlist, reenlist, or extend an enlistment as a Reserve for service in the Selected Reserve so that the total period of obligated service is at least six years from the date of such enlistment, reenlistment, or extension; or

(ii) Be appointed as, or be serving as, a reserve officer and agree to serve in the Selected Reserve for a period of not less than six years in addition to any other period of obligated service in the Selected Reserve to which the person may be subject;

(2) Must complete his or her initial period of active duty for training;

(3) Must be participating satisfactorily in the Selected Reserve; and

(4) Must not have elected to have his or her service in the Selected Reserve

credited toward establishing eligibility to benefits provided under 38 U.S.C. chapter 30.

(Authority: 10 U.S.C. 2132; 38 U.S.C. 3033(c); sec. 705(a)(1), Pub. L. 98–525, 98 Stat. 2565; sec. 4, Pub. L. 100–48, 101 Stat. 331; secs. 643, 645, Pub. L. 101–189, 103 Stat. 1458)

(b) *Eligibility requirements for expanded benefits.* (1) A reservist shall be eligible to pursue all types of training described in subpart L of this part regardless of whether he or she has received a baccalaureate degree or equivalent evidence of completion of study if—

(i) After September 30, 1990, he or she takes one of the actions described in paragraph (a)(1)(i) or (a)(1)(ii) of this section;

(ii) The reservist meets the criteria of paragraphs (a)(2) through (a)(4) of this section; and

(iii) The reservist does not have his or her eligibility limited as described in paragraph (c) of this section.

(2) A reservist shall be eligible to pursue all types of training described in subpart L of this part except the training described in paragraph (b)(3) of this section if—

(i) After June 30, 1985, but not after September 30, 1990, he or she takes one of the actions described in paragraph (a)(1) or (a)(2) of this section;

(ii) The reservist has not received a baccalaureate degree or the equivalent evidence of completion of study;

(iii) The reservist meets all the other eligibility criteria of paragraph (a) of this section; and

(iv) The reservist does not have his or her eligibility limited by paragraph (c) of this section.

(3) The types of training which a reservist described in paragraph (b)(1) of this section may pursue, but which may not be pursued by a reservist described in paragraph (b)(2), are:

(i) A course which is offered by an educational institution which is not an institution of higher learning (to determine if a nursing course is offered by an institution of higher learning, see § 21.7622(f));

(ii) A correspondence course;

(iii) A program of education leading to a standard college degree offered solely by independent study (but see § 21.7622(f) concerning enrollment in a nonaccredited independent study course after October 28, 1992);

(iv) A refresher, remedial or deficiency course;

(v) A cooperative course;

(vi) An apprenticeship or other on-job training; and

(vii) A flight course.

(Authority: 10 U.S.C. 2131, 2132, 2136; sec. 705(a)(1), Pub. L. 98–525, 98 Stat. 2565, 2567; secs. 642, 643, 645, Pub. L. 101–189, 103 Stat. 1456–1458)

* * * * *

4. In § 21.7550, paragraph (a), introductory text, is revised, and paragraph (d) is added, to read as follows:

§ 21.7550 Ending dates of eligibility.

(a) *Time limit on eligibility.* Except as provided in § 21.7551 and paragraphs (a)(3), (b), (c), and (d) of this section, a reservist's period of eligibility expires effective the earlier of the following dates:

* * * * *

(d) *Unit deactivated.* (1) Except as provided in paragraph (d)(3) or (d)(4) of this section, the period of eligibility of a reservist, eligible for educational assistance under this subpart, who ceases to be a member of the Selected Reserve during the period beginning October 1, 1991, and ending September 30, 1999, under either of the conditions described in paragraph (d)(2) of this section, will expire on the date 10 years after the date the reservist becomes eligible for educational assistance.

(2) The conditions referred to in paragraph (d)(1) of this section for ceasing to be a member of the Selected Reserve are:

(i) The deactivation of the reservist's unit of assignment; and

(ii) The reservist's involuntarily ceasing to be designated as a member of the Selected Reserve pursuant to 10 U.S.C. 10143(a).

(3) The provisions of paragraphs (d)(1) and (d)(2) of this section do not apply if the reservist ceases to be a member of the Selected Reserve under adverse conditions, as characterized by the Secretary of the military department concerned. The expiration of such a reservist's period of eligibility will be on the date the reservist ceases, under adverse conditions, to be a member of the Selected Reserve.

(4) A reservist's period of eligibility will expire if he or she is a member of a reserve component of the Armed Forces and (after having involuntarily ceased to be a member of the Selected Reserve) is involuntarily separated from the Armed Forces under adverse conditions, as characterized by the Secretary of the military department concerned. The expiration of such a reservist's period of eligibility will be on the date the reservist is involuntarily separated under adverse conditions from the Armed Forces.

(Authority: 10 U.S.C. 16133)

5. In § 21.7576, paragraphs (a), (b)(1), and (b)(2) are revised, and paragraphs (b)(3), (b)(4), (b)(5), (b)(6), and (b)(7) are added, to read as follows:

§ 21.7576 Entitlement charges.

(a) *Overview.* VA will make charges against entitlement as stated in this section. Charges are based upon the principle that a reservist who trains full time for one day should be charged one day of entitlement, except for those pursuing:

(1) Flight training;

(2) Correspondence training;

(3) Cooperative training; or

(4) Apprenticeship or other on-job training.

(Authority: 10 U.S.C. 2131(c); sec. 705(a)(1), Pub. L. 98–525, 98 Stat. 2565; sec. 642(a), (b), (d), Pub. L. 101–189, 103 Stat. 1456–1458)

(b) *Determining entitlement charge.*

* * *

(1) Except for those pursuing flight training, correspondence training, cooperative training, apprenticeship or other on-job training, VA will make a charge against entitlement—

(i) On the basis of total elapsed time (one day for each day of pursuit for which the reservist is paid educational assistance) if the reservist is pursuing the program of education on a full-time basis; or

(ii) On the basis of a proportionate rate of elapsed time, if the reservist is pursuing the program of education on a three-quarter, one-half, or one-quarter-time basis.

(2) VA will compute elapsed time from the commencing date of the award of educational assistance to the date of discontinuance. If the reservist changes his or her training time after the commencing date of the award, VA will—

(i) Divide the enrollment period into separate periods of time during which the reservist's training time remains constant; and

(ii) Compute the elapsed time separately for each time period.

(3) For each month that a reservist is paid a monthly educational assistance allowance while undergoing apprenticeship or other on-job training, VA will make a charge against entitlement of—

(i) .75 of a month in the case of payments made during the first six months of the reservist's pursuit of the program of apprenticeship or other on-job training;

(ii) .55 of a month in the case of payments made during the second six months of the reservist's pursuit of the program of apprenticeship or other on-job training; and

(iii) .35 of a month in the case of payments made following the first

twelve months of the reservist's pursuit of the program of apprenticeship or other on-job training.

(4) When a reservist is pursuing a program of education by correspondence, VA will make a charge against entitlement for each payment made to him or her. The charge will be made in months and decimal fractions of a month, as determined by dividing the amount of the payment by an amount equal to the rate stated in § 21.7636(a)(1) as the rate otherwise applicable to the reservist for full-time training.

(5) When a reservist is pursuing a program of education partly in residence and partly by correspondence, VA will make a charge against entitlement—

(i) For the residence portion of the program as provided in paragraphs (b)(1) and (b)(2) of this section; and

(ii) For the correspondence portion of the program as provided in paragraph (b)(4) of this section.

(6) When a reservist is pursuing a program of education through cooperative training, VA will make a charge against entitlement of .8 of a month for each month in which the reservist is receiving payment at the rate for cooperative training. If the reservist is pursuing cooperative training for a portion of a month, VA will make a charge against entitlement on the basis of total elapsed time (.8 of a day for each day of pursuit).

(Authority: 10 U.S.C. 2131(c), (d); sec. 705(a)(1), Pub. L. 98–525, 98 Stat. 2565; sec. 642(b), (d), Pub. L. 101–189, 103 Stat. 1456–1458)

(7) When a reservist is pursuing a program of education through flight training, VA will make a charge against entitlement at the rate of one month for each amount equal to the monthly rate stated in § 21.7636(a)(1) as applicable for the month in which the training occurred.

(Authority: 10 U.S.C. 16136(c))

* * * * *

6. In § 21.7612, the introductory text and paragraph (a) are revised to read as follows:

§ 21.7612 Programs of education combining two or more types of courses.

An approved program may consist of courses offered by two educational institutions concurrently, or courses offered through class attendance and by television concurrently. An educational institution may contract the actual training to another educational institution, provided the course is approved by the State approving agency having approval jurisdiction over the educational institution actually providing the training.

(a) *Concurrent enrollment.* When a reservist cannot schedule his or her complete program at one educational institution, VA may approve a program of concurrent enrollment. When requesting such a program, the reservist must show that his or her complete program of education is not available at the educational institution in which he or she will pursue the major portion of his or her program (the primary educational institution), or that it cannot be scheduled within the period in which he or she plans to complete his or her program. A reservist who is limited in the types of courses he or she may pursue, as provided in § 21.7540 (b)(2) and (b)(3), may pursue courses only at an institution of higher learning. If such a reservist cannot complete his or her program at one institution of higher learning, VA may approve a concurrent enrollment only if both the educational institutions the reservist enrolls in are institutions of higher learning.

(Authority: 10 U.S.C. 2131(c), 2136(b); 38 U.S.C. 3680(g); sec. 705(a)(1), Pub. L. 98–525, 98 Stat. 2565, 2567; sec. 642, Pub. L. 101–189, 103 Stat. 1456–1458)

* * * * *

7. In § 21.7620, paragraph (a) is amended by removing ''21.7520(n) of this part'' and adding, in its place, ''21.7520(b)(17)''; and paragraphs (b) and (c) are revised, and paragraph (d) is added, to read as follows:

§ 21.7620 Courses included in programs of education.

* * * * *

(b) *Flight training.* (1) VA may pay educational assistance for an enrollment in a flight training course when—

(i) An institution of higher learning offers the course for credit toward the standard college degree the reservist is pursuing; or

(ii) When:

(A) The reservist is eligible to pursue flight training as provided in § 21.7540(b)(1) and (b)(3);

(B) The State approving agency has approved the course;

(C) A flight school is offering the course;

(D) The reservist's training meets the requirements of § 21.4263(b)(1);

(E) The reservist meets the requirements of § 21.4263(a); and

(F) The training for which payment is made occurs after September 29, 1990.

(2) VA will not pay educational assistance for an enrollment in a flight training course when the reservist is pursuing an ancillary flight objective.

(Authority: 10 U.S.C. 16131, 16136(c)(1); 38 U.S.C. 3034)

(c) *Independent study.* (1) VA will pay educational assistance to a reservist who is limited in the types of courses he or she may pursue, as provided in § 21.7540(b)(2) and (b)(3), for an enrollment in any course or unit subject offered by independent study only when the reservist is enrolled concurrently in one or more courses or unit subjects offered by resident training.

(2) Only a reservist who meets the requirements of § 21.7540(b)(1) may be paid educational assistance for an enrollment in an independent study course or unit subject leading to a standard college degree without a simultaneous enrollment in a course or unit subject offered by resident training.

(3) Except as provided in paragraph (c)(4) of this section and subject to the restrictions found in paragraph (c)(1) of this section, effective October 29, 1992, VA may pay educational assistance to a reservist who is enrolled in a nonaccredited course or unit subject offered entirely or partly by independent study only if—

(i) Successful completion of the nonaccredited course or unit subject is required in order for the reservist to complete his or her program of education and the reservist:

(A) Was receiving educational assistance on October 29, 1992, for pursuit of the program of education of which the nonaccredited independent study course or unit subject forms a part; and

(B) Has remained continuously enrolled in the program of education of which the nonaccredited independent study course or unit subject forms a part from October 29, 1992, to the date the reservist enrolls in the nonaccredited independent study course or unit subject; or

(ii)(A) Was enrolled in and receiving educational assistance for the nonaccredited independent study course or unit subject on October 29, 1992; and

(B) Remains continuously enrolled in that course or unit subject.

(4) Whether or not the reservist is enrolled will be determined by the regularly prescribed standards and practices of the educational institution offering the course or unit subject.

(Authority: 10 U.S.C. 16136(b); 38 U.S.C. 3680A(a)(4); sec. 313(b), Pub. L. 102–568, 106 Stat. 4332)

(d) *Graduate study.* VA will pay educational assistance for an enrollment in a course or subject leading to a

graduate degree or certificate when the training occurs after November 29, 1993.

(Authority: 10 U.S.C. 16131(c))

8. In § 21.7622, paragraph (f) is revised, to read as follows:

§ 21.7622 Courses precluded.

* * * * *

(f) *Other courses.* (1) A reservist who is limited in the types of courses he or she may pursue, as provided in § 21.7540(b)(2) and (b)(3), may not receive any educational assistance for pursuit of any of the types of training listed in § 21.7540(b)(3).

(2) VA will not consider the hospital or field work phase of a nursing course, including a course leading to a degree in nursing, to be provided by an institution of higher learning unless—

(i) The hospital or fieldwork phase is an integral part of the course;

(ii) Completion of the hospital or fieldwork phase of the course is a prerequisite to the successful completion of the course;

(iii) The student remains enrolled in the institution of higher learning during the hospital or fieldwork phase of the course; and

(iv) The training is under the direction and supervision of the institution of higher learning.

(3) A reservist who is limited in the types of courses he or she may pursue, as provided in § 21.7540(b)(2) and (b)(3), may not receive educational assistance for an enrollment in a course pursued after the reservist has completed the course of instruction required for the award of a baccalaureate degree or the equivalent evidence of completion of study, unless the reservist is pursuing a course or courses leading to a graduate degree or graduate certificate. Such a reservist may receive educational assistance while pursuing a course or courses leading to a graduate degree or graduate certificate (subject to the restrictions in § 21.7620(d)). Equivalent evidence of completion of study may include, but is not limited to, a copy of the reservist's transcript showing that he or she has received passing grades in all courses needed to obtain a baccalaureate degree at the institution of higher learning which he or she has been attending.

(4) No reservist may receive payment of educational assistance from VA for:

(i) An audited course (see § 21.4252(i));

(ii) A new enrollment in a course during a period when approval has been suspended by a State approving agency or VA;

(iii) Pursuit of a course by a nonmatriculated student except as provided in § 21.4252(l);

(iv) An enrollment in a course at an educational institution for which the reservist is an official of such institution authorized to sign certificates of enrollment under 10 U.S.C. chapter 1606;

(v) A new enrollment in a course which does not meet the veteran-nonveteran ratio requirement as computed under § 21.4201; or

(vi) Except as provided in § 21.7620(c), an enrollment in a nonaccredited independent study course.

(Authority: 10 U.S.C. 16131(c), 16136(b); 38 U.S.C. 3672(a), 3676, 3680(a); sec. 642(d), Pub. L. 101–189, 103 Stat. 1458)

9. Section 21.7624 is revised, to read as follows:

§ 21.7624 Overcharges and restrictions on enrollments.

(a) *Overcharges.* VA may disapprove an educational institution for further enrollments when the educational institution charges or receives from a reservist tuition and fees that exceed the established charges which the educational institution requires from similarly circumstanced nonreservists enrolled in the same course.

(Authority: 10 U.S.C. 2136; 38 U.S.C. 3690; sec. 705(a)(1), Pub. L. 98–525, 98 Stat. 2565, 2567; secs. 642 (c), (d), 645(a)(1), Pub. L. 101–189, 103 Stat. 1457–1458)

(b) *Restriction on enrollments.* The provisions of § 21.4202(b) apply to any determination by VA as to whether to impose restrictions on approval of enrollments and whether to discontinue payments to reservists already enrolled at an educational institution.

(Authority: 10 U.S.C. 2136; 38 U.S.C. 3690(b); sec. 705(a)(1), Pub. L. 98–525, 98 Stat. 2565, 2567; secs. 642 (c), (d), 645(a)(1), Pub. L. 101–189, 103 Stat. 1457–1458)

10. In § 21.7631, paragraph (a)(1) and the headings for paragraphs (b) and (c) are revised, and paragraph (g) is added, to read as follows:

§ 21.7631 Commencing dates.

* * * * *

(a) * * *

(1) The date the educational institution certifies under paragraph (b) or (c) of this section.

* * * * *

(b) *Certification by educational institution—course or subject leads to a standard college degree.*

* * * * *

(c) *Certification by educational institution—course does not lead to a standard college degree.*

* * * * *

(g) *Service Members Occupational Conversion and Training Act of 1992.* If the reservist's educational assistance has been barred or has been discontinued because the reservist is training under a job training program for which benefits are payable to his or her employer under the Service Members Occupational Conversion and Training Act of 1992, VA will begin or resume paying educational assistance to the reservist effective the first day following the last date for which benefits are payable under that Act.

(Authority: Sec. 4492(a), Pub. L. 102–484, 106 Stat. 2765–2766)

11. In § 21.7635, paragraph (v) is redesignated as paragraph (x); and paragraph (a) is revised, paragraphs (b)(3), (b)(4), and (b)(5) are added, paragraph (r) is revised, and paragraphs (v) and (w) are added, to read as follows:

§ 21.7635 Discontinuance dates.

* * * * *

(a) *Death of reservist.* (1) If the reservist receives an advance payment and dies before the end of the period covered by the advance payment, the discontinuance date of educational assistance shall be the last date of the period covered by the advance payment.

(2) In all other cases if the reservist dies while pursuing a program of education, the discontinuance date of educational assistance shall be the last date of attendance.

(Authority: 10 U.S.C. 16136; 38 U.S.C. 3680(e))

(b) * * *

(3) When a reservist withdraws from a correspondence course, VA will terminate educational assistance effective the date the last lesson is serviced.

(4) When a reservist withdraws from an apprenticeship or other on-job training, VA will terminate educational assistance effective the date of last training.

(Authority: 10 U.S.C. 2136(b); 38 U.S.C. 3680(a); sec. 705(a)(1), Pub. L. 98–525, 98 Stat. 2565, 2567; sec. 642 (c), (d), Pub. L. 101–189, 103 Stat. 1457–1458)

(5) When a reservist withdraws from flight training, VA will terminate educational assistance effective the date of last instruction.

(Authority: 10 U.S.C. 2136(b); 38 U.S.C. 3680(a); sec. 705(a)(1), Pub. L. 98–525, 98 Stat. 2565, 2567; sec. 642 (c), (d), Pub. L. 101–189, 103 Stat. 1457–1458)

* * * * *

(r) *Completion of baccalaureate instruction.* If a reservist who is limited in the types of courses he or she may pursue, as provided in § 21.7540 (b)(2) and (b)(3), completes a course of instruction required for the award of a

baccalaureate degree or the equivalent evidence of completion of study (see § 21.7622(f)), VA will discontinue educational assistance effective the day after the date upon which the required course of instruction was completed.

(Authority: 10 U.S.C. 2131; sec. 705(a)(1), Pub. L. 98–525, 98 Stat. 2565; secs. 642 (a), (b), (d), 645(a), (b), Pub. L. 101–189, 103 Stat. 1456–1458)

* * * * *

(v) *Independent study course loses accreditation.* If the reservist is enrolled in a course offered in whole or in part by independent study, and the course loses its accreditation (or the educational institution offering the course loses its accreditation), the date of reduction or discontinuance will be the effective date of the withdrawal of accreditation by the accrediting agency, unless the provisions of § 21.7620 (c)(3) or (c)(4) apply.

(Authority: 10 U.S.C. 16136; 38 U.S.C. 3680A(a)(4))

(w) *Service Members Occupational Conversion and Training Act of 1992.* If a reservist enters a training program for the purpose of obtaining assistance under the Service Members Occupational Conversion and Training Act of 1992, the effective date of discontinuance of educational assistance shall be the date on which the reservist entered the job training program.

(Authority: Sec. 4492(a), Pub. L. 102–484, 106 Stat. 2765–2766)

* * * * *

12. Section 21.7636 is revised, to read as follows:

§ 21.7636 Rates of payment.

(a) *Monthly rate of educational assistance.* (1) Except as otherwise provided in this section and in § 21.7639, the monthly rate of educational assistance payable to a reservist is the amount stated in this table:

Period of pursuit of training	Training time			
	Full-time	3/4 time	1/2 time	1/4 time
Oct. 1, 1990–Sept. 30,1991	$140.00	$105.00	$70.00	$35.00
Oct. 1, 1991–Mar. 31, 1993	170.00	128.00	85.00	43.00
Apr. 1, 1993–Sept. 30, 1994	190.00	143.00	95.00	48.00
Oct. 1, 1994–Sept. 30, 1995	192.32	144.74	96.16	48.08
On and after Oct. 1, 1995	197.90	148.42	98.95	49.47

(2) The monthly rate of basic educational assistance payable to a reservist who is pursuing an apprenticeship or other on-job training full time is the rate stated in these tables:

(i)

Training period	Monthly rate			
	Oct. 1, 1990–Sept. 30, 1991	Oct. 1, 1991–Mar. 31, 1993	Apr. 1, 1993–Sept. 30, 1994	Oct. 1, 1994–Sept. 30, 1995
First six months of pursuit of training	$105.00	$127.50	$142.50	144.24
Second six months of pursuit of training	77.00	93.50	104.50	105.78
Remaining pursuit of training	49.00	59.50	66.50	67.31

Training period	Monthly rate On and after Oct. 1, 1995
First six months of pursuit of training	$148.42
Second six months of pursuit of training	108.94
Remaining pursuit of training	69.26

(ii) Full-time training will consist of the number of hours which constitute the standard workweek of the training establishment, but not less than 30 hours unless a lesser number of hours is established as the standard workweek for the particular establishment through bona fide collective bargaining between employers and employees.

(3) The monthly rate of educational assistance payable to a reservist who is pursuing a cooperative course is the rate stated in this table:

Oct. 1, 1990–Sept. 30, 1991	Oct. 1, 1991–Mar. 31, 1993	Apr. 1, 1993–Sept. 30, 1994	Oct. 1, 1994–Sept. 30, 1995	On and after Oct. 1, 1995
$112.00	$136.00	$152.00	$153.86	$158.32

(Authority: 10 U.S.C. 16131(b), (c); sec. 12009(c), Pub. L. 103–66, 107 Stat. 416)

(b) *Limitations on payments.* VA may withhold final payment until VA receives proof of the reservist's enrollment and adjusts the reservist's account.

(Authority: 10 U.S.C. 16136(b); 38 U.S.C. 3680(g))

13. In § 21.7639, paragraph (b)(1) introductory text is amended by removing the second sentence; the heading of paragraph (e) is amended by removing ''Payment for independent'' and adding, in its place, ''Independent''; and the section heading, paragraph (a) introductory text, the authority citation for paragraph (a), and paragraph (f) are revised, and paragraphs (g) through (k) are added, to read as follows:

§ 21.7639 Conditions which result in reduced rates or no payment.

* * * * *

(a) *Absences.* A reservist enrolled in a course not leading to a standard college degree will have his or her educational assistance reduced for any day of absence which occurs before December 18, 1989, and which exceeds the maximum allowable absences permitted in this paragraph.

* * * * *

(Authority: 10 U.S.C. 2136(b); 38 U.S.C. 3680; sec. 705(a)(1), Pub. L. 98–525, 98 Stat. 2565, 2567; sec. 642 (c), (d), Pub. L. 101–189, 103 Stat. 1457–1458)

* * * * *

(f) *Independent study.* (1) A reservist pursuing only independent study and whose enrollment begins before July 1, 1993, shall be paid educational assistance at the quarter-time rate regardless of the number of credit hours the reservist may be pursuing.

(2) A reservist pursuing only independent study and whose enrollment begins after June 30, 1993, shall be paid educational assistance on the basis of his or her training time.

(3) No payments may be made to a reservist who is limited in the types of courses he or she may pursue, as provided in § 21.7540(b)(2) and (b)(3), and who is pursuing independent study unless he or she is concurrently pursuing one or more courses offered through resident training at an institution of higher learning.

(Authority: 10 U.S.C. 2131; 10 U.S.C. 2136(b); 38 U.S.C. 3532, 3532 note, 3680; sec. 705(a)(1), Pub. L. 98–525, 98 Stat. 2565, 2567; secs. 642, 645 (a), (b), Pub. L. 101–189, 103 Stat. 1457–1458)

(g) *Payment for correspondence courses.* A reservist who is pursuing a correspondence course or the correspondence portion of a correspondence-residence course shall be paid 55 percent of the established charge which the educational institution requires nonreservists to pay for the lessons—

(1) Which the reservist has completed;

(2) Which the educational institution has serviced; and

(3) For which payment is due.

(Authority: 10 U.S.C. 2131(f); sec. 642 (b), (d), Pub. L. 101–189, 103 Stat. 1456–1458)

(h) *Failure to work sufficient hours of apprenticeship and other on-job training.* (1) For any calendar month in which a reservist pursuing an apprenticeship or other on-job training program fails to complete 120 hours of training, VA shall reduce the rates specified in § 21.7636(a)(2) proportionately. In this computation, VA shall round the number of hours worked to the nearest multiple of eight.

(2) For the purpose of this paragraph, hours worked include only—

(i) The training hours the reservist worked; and

(ii) All hours of the reservist's related training which occurred during the standard workweek and for which the reservist received wages. (See § 21.7636(a)(2)(ii) as to the requirements for full-time training.)

(Authority: 10 U.S.C. 2131(d)(2); sec. 642 (b), (d), Pub. L. 101–189, 103 Stat. 1456–1458)

(i) *Flight training course.* A reservist who is pursuing a flight training course shall be paid 60 percent of the established charge for tuition and fees (other than tuition and fees charged for or attributable to solo flying hours) which the flight school requires similarly circumstanced nonreservists enrolled in the same course to pay.

(Authority: 10 U.S.C. 16131(g))

(j) *Membership in the Senior Reserve Officers' Training Corps.* A reservist may not receive educational assistance for any period for which he or she receives financial assistance under 10 U.S.C. 2107 as a member of the Senior Reserve Officers' Training Corps.

(Authority: 10 U.S.C. 16134)

(k) *Course not offered by an institution of higher learning or not leading to an identifiable educational, professional, or vocational objective.* A reservist who is limited in the types of courses he or she may pursue, as described in § 21.7540(b)(2) and (b)(3), may not receive educational assistance for instruction in a program of education unless it is offered at an institution of higher learning. The instruction must lead to an identifiable educational, professional, or vocational objective, but does not have to lead to a standard college degree.

(Authority: 10 U.S.C. 2131(b), 2136(b); sec. 705(a)(1), Pub. L. 98–525, 98 Stat. 2565, 2567; secs. 642 (b)(1), (c), (d), 645(a), (b), Pub. L. 101–189, 103 Stat. 1456–1458)

14. In § 21.7640, paragraph (d)(1) introductory text is amended by removing ''institution of higher learning'' and adding, in its place, ''educational institution''; and the section heading and paragraph (a) are revised, to read as follows:

§ 21.7640 Release of payments.

(a) *Payments are dependent upon certifications, reports, and verifications of pursuit.* When certifications, reports, or verifications of pursuit are mentioned in this paragraph, the certifications, reports, and verifications of pursuit are to be made in the form prescribed by the Secretary of Veterans Affairs.

(1) VA will pay educational assistance to a reservist who is pursuing a standard college degree only after the educational institution has certified his or her enrollment.

(2) VA will pay educational assistance to a reservist who is pursuing a course not leading to a standard college degree (other than a correspondence course, a course of flight training, or an apprenticeship or other on-job training) only after:

(i) The educational institution has certified his or her enrollment in the form prescribed by the Secretary of Veterans Affairs; and

(ii) VA has received a report by the reservist, which report is endorsed by the educational institution, of—

(A) Each day of absence that occurred before December 18, 1989; or

(B) A verification of pursuit from the reservist of training that occurred on or after December 18, 1989.

(3) VA will pay educational assistance to a reservist pursuing a program of apprenticeship or other on-job training only after:

(i) The training establishment has certified his or her enrollment in the training program in the form prescribed by the Secretary of Veterans Affairs; and

(ii) VA has received certification by the reservist and the training establishment of the reservist's hours worked.

(4) VA will pay educational assistance to a reservist who is pursuing a correspondence course only after:

(i) The educational institution has certified his or her enrollment in the form prescribed by the Secretary of Veterans Affairs; and

(ii) VA has received a certification by the reservist, which certification is endorsed by the educational institution, as to the number of lessons completed and serviced by the educational institution.

(5) VA will pay educational assistance to a reservist who is pursuing a flight course only after:

(i) The educational institution certifies the reservist's enrollment in the form prescribed by the Secretary of Veterans Affairs; and

(ii) VA has received a report by the reservist of the flight training the reservist has completed, which report is endorsed by the educational institution.

(Authority: 10 U.S.C. 16136(b); 38 U.S.C. 3680)

* * * * *

15. In § 21.7642, paragraph (a)(6) is amended by removing ''38'' and adding, in its place, ''10''; paragraph (d)(3) is amended by removing ''during any period that full salary is being paid to him or her as an employee of the United States''; and paragraphs (a)(7) and (a)(8) are revised, and paragraphs (a)(9) and (e) are added, to read as follows:

§ 21.7642 Nonduplication of educational assistance.

(a) * * *

(7) Section 903 of the Department of Defense Authorization Act, 1981;

(8) The Hostage Relief Act of 1980; or

(9) The Omnibus Diplomatic Security Act of 1986.

(Authority: 10 U.S.C. 2136(b); 38 U.S.C. 3695; sec. 705(a)(1), Pub. L. 98–525, 98 Stat. 2565, 2567; secs. 642(c), (d), Pub. L. 101–189, 103 Stat. 1457–1458)

* * * * *

(e) *Service Members Occupational Conversion and Training Act of 1992.* A reservist may not receive educational assistance under the Montgomery GI Bill—Selected Reserve program during the period for which benefits are payable under the Service Members Occupational Conversion and Training Act of 1992.

(Authority: Sec. 4492(a), Pub. L. 102–484, 106 Stat. 2765–2766)

16. Section 21.7645 is added, immediately after the cross-reference that follows § 21.7644, to read as follows:

§ 21.7645 Work-study allowance.

(a) *Eligibility.* Reservists pursuing three-quarter-time or full-time programs of education or training under 10 U.S.C. chapter 1606 are eligible to receive a work-study allowance.

(Authority: 38 U.S.C. 3485)

(b) *Selection criteria.* Whenever feasible, VA will give priority in selection for the work-study allowance to veterans with service-connected disabilities rated at 30 percent or more. VA shall consider the following additional selection criteria:

(1) Need of the reservist to augment his or her educational assistance allowance;

(2) Availability to the reservist of transportation to the place where his or her services are to be performed;

(3) Motivation of the reservist; and

(4) Compatibility of the work assignment to the reservist's physical condition.

(Authority: 38 U.S.C. 3485)

(c) *Utilization.* The service for which the reservist is being paid a work-study allowance may be utilized in connection with—

(1) Outreach services programs as carried out under the supervision of a VA employee;

(2) Preparation and processing of necessary papers and other documents at educational institutions or regional offices or facilities of VA;

(3) Hospital and domiciliary care and medical treatment at VA facilities;

(4) Activities relating to the administration of 10 U.S.C. chapter 1606 (or 10 U.S.C. chapter 106 as in effect before December 1, 1994), at Department of Defense facilities, Coast Guard facilities, or National Guard facilities; and

(5) Any other appropriate activity of VA.

(Authority: 38 U.S.C 3485)

(d) *Rate of payment.* (1) In return for the reservist's agreement to perform services for VA totaling 25 hours times the number of weeks contained in an enrollment period, VA will pay an allowance in an amount equal to the higher of—

(i) The hourly minimum wage in effect under section 6(a) of the Fair Labor Standards Act of 1938 times the number of hours the reservist has agreed to work; or

(ii) The hourly minimum wage under comparable law of the State in which the services are to be performed times the number of hours the reservist has agreed to work.

(2) VA will pay proportionately less to reservists who agree to perform a lesser number of hours of services.

(Authority: 38 U.S.C. 3485)

(e) *Payment in advance.* (1) For work-study commencing during the period beginning on May 1, 1990, and ending on October 28, 1992, VA will pay in advance an amount equal to 40 percent of the total amount payable under the contract.

(2) For work-study commencing after October 28, 1992, VA will pay in advance an amount equal to the lesser of the following:

(i) 40 percent of the total amount payable under the contract; or

(ii) An amount equal to 50 times the applicable minimum hourly wage in effect on the date the contract is signed.

(Authority: 38 U.S.C. 3485)

(f) *Reservist reduces rate of training.* In the event the reservist ceases to be at least a three-quarter-time student before completing an agreement, the reservist, with the approval of the Director of the VA field station or his or her designee, may be permitted to complete the unworked portion of an agreement in the same term, quarter, or semester in which the reservist ceases to be at least a three-quarter-time student or in the immediately following term, quarter, or semester.

(Authority: 38 U.S.C. 3485)

(g) *Reservist terminates training.* (1) If the reservist terminates all training before completing an agreement, the Director of the VA field station or his or her designee—

(i) May permit him or her to complete the portion of the agreement represented by the money VA has advanced the reservist for which he or she has performed no service, but

(ii) Will not permit him or her to complete that portion of an agreement for which no advance has been made.

(2) The reservist must complete the allowed portion of an agreement in the same or immediately following term, quarter, or semester in which the reservist terminates training.

(Authority: 38 U.S.C. 3485)

(h) *Indebtedness for unperformed service.* (1) If the reservist has received an advance for hours of unperformed service, and VA has evidence upon which the Director of the VA Regional Office of jurisdiction or his or her designee concludes that the reservist does not intend to perform that service, the advance—

(i) Will be deemed a debt due the United States; and

(ii) Will be subject to recovery the same as any other debt due the United States.

(2) The amount of indebtedness for each hour of unperformed service shall equal the hourly wage that formed the basis for the contract.

(Authority: 38 U.S.C. 3485)

17. In § 21.7653, the section heading and paragraphs (c) and (d) are revised, and paragraph (e) is added, to read as follows:

§ 21.7653 Progress, conduct, and attendance.

* * * * *

(c) *Satisfactory attendance.* In order to receive educational assistance for pursuit of a program of education, a reservist must maintain satisfactory course attendance. VA will discontinue educational assistance if the reservist does not maintain satisfactory course attendance. Attendance is unsatisfactory if the reservist does not attend according to the regularly prescribed standards of the educational institution in which he or she is enrolled.

(Authority: 10 U.S.C. 2136(b); 38 U.S.C. 3474; sec. 705(a)(1), Pub. L. 98–525, 98 Stat. 2565, 2567; sec. 642 (c), (d), Pub. L. 101–189, 103 Stat. 1457–1458)

(d) *Reports.* At times the unsatisfactory progress, conduct, or course attendance of a reservist is caused by or results in his or her interruption or termination of training. If this occurs, the interruption or termination shall be reported in accordance with § 21.7656(a). If the reservist continues in training despite making unsatisfactory progress, the fact of his or her unsatisfactory progress must be reported to VA within the time allowed by paragraphs (d)(1), (d)(2), and (d)(3) of this section.

(1) A reservist's progress may become unsatisfactory as a result of the grades he or she receives. The educational institution shall report such unsatisfactory progress to VA in time for VA to receive it before the earlier of the following dates is reached:

(i) Thirty days from the date on which the school official who is responsible for determining whether a student is making progress first receives the final grade report which establishes that the reservist is not progressing satisfactorily; or

(ii) Sixty days from the last day of the enrollment period during which the reservist earned the grades that caused him or her to meet the unsatisfactory progress standards.

(2) If the unsatisfactory progress of the reservist is caused solely by any factors other than the grades which he or she receives, the educational institution shall report the unsatisfactory progress in time for VA to receive it within 30 days of the date on which the progress of the reservist becomes unsatisfactory.

(3) The educational institution shall report the unsatisfactory conduct or attendance of the reservist to VA in time for VA to receive it within 30 days of the date on which the conduct or attendance of the reservist becomes unsatisfactory.

(e) *Reentrance after discontinuance.* In order for a reservist to receive educational assistance following discontinuance for unsatisfactory progress, conduct, or attendance, the provisions of this paragraph must be met.

(1) The reservist's subsequent reentrance into a program of education may be for the same program, for a revised program, or for an entirely different program, depending on the cause of the discontinuance and removal of that cause.

(2) A reservist may reenter following discontinuance because of unsatisfactory attendance, conduct, or progress when either of the following sets of conditions exists:

(i) The reservist resumes enrollment at the same educational institution in the same program of education and the educational institution has both approved the reservist's reenrollment and certified it to VA; or

(ii) In all other cases, VA determines that—

(A) The cause of the unsatisfactory attendance, conduct, or progress in the previous program has been removed and is not likely to recur; and

(B) The program which the reservist now proposes to pursue is suitable to his or her aptitudes, interests, and abilities.

(Authority: 10 U.S.C. 2136(b); 38 U.S.C. 3474; sec. 705(a)(1), Pub. L. 98–525, 98 Stat. 2565, 2567; sec. 642 (c), (d), Pub. L. 101–189, 103 Stat. 1457–1458)

(Approved by the Office of Management and Budget under control number 2900–0552)

18. Section 21.7654 is revised, to read as follows:

§ 21.7654 Pursuit and absences.

(a) *Verifying pursuit of courses not leading to a standard college degree.* (1) If a reservist is pursuing a course not leading to a standard college degree and the course is neither a flight course nor a correspondence course, the reservist must monthly verify pursuit of that course. The reservist's verification in the form prescribed by the Secretary will attest to the following items as to the period verified, when applicable:

(i) Actual attendance;

(ii) Continued enrollment in and pursuit of the course;

(iii) The reservist's unsatisfactory progress, conduct, or attendance;

(iv) Date of interruption or termination of training;

(v) Changes in the number of credit hours or in the number of clock hours of attendance;

(vi) The award of nonpunitive grades;

(vii) Any other changes or modifications in the course as certified at enrollment.

(2) The verification of enrollment or the verification of pursuit and continued enrollment must—

(i) Contain the information required by paragraph (a)(1) of this section for release of payment;

(ii) Be signed by the reservist on or after the final date of the reporting period; and

(iii) Show the date on which it was signed.

(Authority: 10 U.S.C. 2136(b); 38 U.S.C. 3680(g); sec. 705(a)(1), Pub. L. 98–525, 98 Stat. 2565, 2567; sec. 642 (c), (d), Pub. L. 101–189, 103 Stat. 1457–1458)

(b) *Additional requirements for apprenticeships and other on-job training programs.* (1) When a reservist is pursuing an apprenticeship or other on-job training, he or she must monthly certify training by reporting the number of hours worked.

(2) The information provided by the reservist must be verified by the training establishment.

(Authority: 10 U.S.C. 2136(b); 38 U.S.C. 3680(a); sec. 705(a)(1), Pub. L. 98–525, 98 Stat. 2565, 2567; sec. 642(c), (d), Pub. L. 101–189, 103 Stat. 1457–1458)

(Approved by the Office of Management and Budget under control number 2900–0553)

19. In § 21.7670, paragraph (d) and reserved paragraph (e) are removed; paragraph (f) is redesignated as paragraph (d); and the heading, introductory text, and newly redesignated paragraph (d) are revised to read as follows:

§ 21.7670 Measurement of courses leading to a standard, undergraduate college degree.

Except as provided in § 21.7672, VA will measure a reservist's courses as stated in this section.

* * * * *

(d) *Other requirements.* Notwithstanding any other provision of this section, in administering benefits payable under 10 U.S.C. chapter 1606, VA shall apply the provisions of § 21.4272 (a), (b), (d), (e) (except paragraph (e)(4)), (f), (g), and (k).

(Authority: 10 U.S.C. 16136(b); 38 U.S.C. 3688(b))

20. In § 21.7672, the introductory text of paragraph (b)(1) is revised, paragraph (b)(2)(ii) is revised, paragraphs (b)(3), (b)(4), and (b)(5) are added, and paragraph (c) introductory text, paragraph (d), paragraph (e) introductory text, the heading of paragraph (f), paragraph (f) introductory text, paragraph (f)(1)(iv), and the authority citation for paragraph (f) are revised, to read as follows:

§ 21.7672 Measurement of courses not leading to a standard college degree.

* * * * *

(b) *Credit-hour measurement—standard method.* (1) For new enrollments that begin before July 1, 1993, VA will measure a reservist's enrollment in a course not leading to a standard college degree on a credit-hour basis when all conditions listed in paragraphs (b)(1)(i) and (b)(1)(ii) of this section are met.

* * * * *

(2) * * *

(ii) Apply the provisions of § 21.4272(g) if one or more of the

reservist's courses are offered during a nonstandard term.

(Authority: 10 U.S.C. 16136(b); 38 U.S.C. 3688)

(3) For new enrollments beginning on or after July 1, 1993, when a course is offered by an institution of higher learning in residence on a standard quarter- or semester-hour basis, VA will measure a reservist's enrollment in a course not leading to a standard college degree on the same credit-hour basis as courses leading to a standard undergraduate degree, as provided in § 21.7670.

(4) For new enrollments beginning on or after July 1, 1993, when a course is offered in residence on a standard quarter- or semester-hour basis by an educational institution which is not an institution of higher learning, VA also will measure on a credit-hour basis as provided in § 21.7670 a reservist's enrollment in a course not leading to a standard college degree, provided that the educational institution requires at least the same number of clock-hours of attendance as required in paragraph (f) of this section. If the educational institution does not require at least the same number of clock-hours of attendance as required in paragraph (f) of this section, VA will not apply the provisions of § 21.7670, but will measure the course according to paragraph (f) of this section.

(5) VA will apply the provisions of § 21.4272(g) to new enrollments beginning on or after July 1, 1993, if one or more of the reservist's courses are offered during a nonstandard term.

(Authority: 10 U.S.C. 16136(b); 38 U.S.C. 3688(a)(7))

(c) *Credit-hour measurement—alternate method.* The provisions of this paragraph apply only to the measurement of new enrollments that begin before July 1, 1993. Even though courses not leading to a standard college degree do not qualify for credit-hour measurement as provided in paragraph (b) of this section, an educational institution offering courses not leading to a standard college degree may measure those courses on a quarter- or semester-hour basis as indicated for collegiate courses in § 21.7670 provided—

* * * * *

(d) *Mixed credit-hour and clock-hour measurement (conversion to equivalent clock hours).* The provisions of this paragraph apply to training occurring on or after December 18, 1989, provided that if the training resulted from a new enrollment, the enrollment began before July 1, 1993.

(1) When a course not leading to a standard college degree in which the reservist is enrolled cannot qualify for credit-hour measurement under either paragraph (b) or (c) of this section, VA will measure the course on a combined clock-hour and credit-hour basis when the provisions of this paragraph are met.

(i) The course in which the reservist is enrolled—

(A) Is offered by an institution of higher learning; and

(B) Does not lead to a standard college degree; and

(ii) The institution of higher learning requires as part of the reservist's program of education one or more unit subjects for which credit is granted toward a standard college degree.

(2) When measuring a reservist's enrollment during a semester or quarter when he or she is pursuing one or more courses which the educational institution measures on a credit-hour basis, VA will convert the credit to equivalent clock hours as provided in paragraph (d)(3) of this section, and combine them with the clock hours of the other courses measured by the school on that basis, as provided in paragraph (d)(4) of this section.

(3) VA will—

(i) Determine the equivalent clock hour factor by dividing the number of clock hours which constitute full time for the enrollment as stated in paragraph (e) or (f) of this section by the number of credit hours which constitute a full-time undergraduate enrollment at the educational institution as stated in paragraph (a) of this section; and

(ii) Except as provided in paragraphs (d)(5) and (d)(6) of this section, multiply the number of credit hours in which the reservist is enrolled by the equivalent clock hour factor as determined by paragraph (d)(3)(i) of this section. This will result in the number of equivalent clock hours in which the reservist is enrolled.

(4) VA will add the number of clock hours in which the reservist is enrolled to the number of equivalent clock hours in which he or she is enrolled.

(i) If the course is nonaccredited and shop practice is an integral part of the course, the course will be measured as provided in paragraph (e)(1) of this section with the total number of clock hours and equivalent clock hours considered to be clock hours for the purpose of applying that paragraph.

(ii) If the course is nonaccredited and classroom instruction predominates, the course will be measured as provided in paragraph (e)(2) of this section with the total number of clock hours and equivalent clock hours considered to be clock hours for the purpose of applying that paragraph.

(iii) If the course is accredited and shop practice is an integral part of the course, the course will be measured as provided in paragraph (f)(1) of this section with the total number of clock hours and equivalent clock hours considered to be clock hours for the purpose of applying that paragraph.

(iv) If the course is accredited and classroom instruction predominates, the course will be measured as provided in paragraph (f)(2) of this section with the total number of clock hours and equivalent clock hours considered to be clock hours for the purpose of applying that paragraph.

(5) When the number of class sessions per credit hour is so low that § 21.4272 (f)(2)(ii) or (f)(3) would control the way in which VA would measure those credit hours, VA will make the calculations required by paragraph (d)(3)(ii) of this section by multiplying the number of class sessions determined by the equivalent clock hour factor.

(6) When the reservist is attending a nonstandard term, VA will make the calculations required by paragraph (d)(3)(ii) of this section by determining the equivalent credit hours in which the reservist is enrolled as provided in § 21.4272(g), and multiplying the equivalent credit hours by the equivalent clock hour factor.

(7) In calculations required by this paragraph, fractions of an equivalent clock hour will be dropped.

(Authority: 10 U.S.C. 16136; 38 U.S.C. 3688(e))

(e) *Nonaccredited courses—clock-hour measurement for new enrollments beginning before July 1, 1993.* The provisions of this paragraph apply to new enrollments beginning before July 1, 1993. If, after having examined the courses in which a reservist is enrolled, VA concludes that the reservist's enrollment qualifies neither for credit-hour measurement as provided in paragraphs (b) and (c) of this section nor for a combination of credit-hour and clock-hour measurement as provided in paragraph (d) of this section, VA shall measure a nonaccredited course not leading to a standard college degree as follows. For the purpose of this paragraph, clock hours and class sessions mean clock hours and class sessions per week.

* * * * *

(f) *Clock-hour measurement.* The provisions of this paragraph apply to enrollments before July 1, 1993, in accredited courses not leading to a standard college degree, and to all new enrollments on or after July 1, 1993, in

courses not leading to a standard college degree. If VA concludes that the courses in which a reservist is enrolled qualify neither for credit-hour measurement as provided in paragraph (b) or (c) of this section nor for a combination of clock-hour and credit-hour measurement as provided in paragraph (d) of this section, VA shall measure those courses as follows. (Supervised study shall be excluded from measurement of all courses to which this paragraph applies.)

(1) * * *

(iv) One-quarter-time training shall be 1 through 10 clock hours attendance. For attendance of 6 through 10 clock hours, there shall be not more than one quarter hour rest period allowance. For attendance of 1 through 5 clock hours, there shall be no rest period allowance.

* * * * *

(Authority: 10 U.S.C. 16136(b); 38 U.S.C. 3688)

21. In § 21.7673, paragraph (a)(2) is removed; paragraph (a)(3) is redesignated as paragraph (a)(2); and paragraph (a)(1), newly redesignated paragraph (a)(2), and paragraph (d) are revised, to read as follows:

§ 21.7673 Measurement of concurrent enrollments.

(a) * * *

(1) If VA measures the course at the primary institution on a credit-hour basis (including a course which does not lead to a standard college degree, which is being measured on a credit-hour basis as provided in § 21.7672(b)), and VA measures the courses at the second school on a clock-hour basis, the clock hours will be converted to credit hours.

(2) If VA measures the courses pursued at the primary institution on a clock-hour basis, and VA measures the courses pursued at the second school on a credit-hour basis, including courses which qualify for credit-hour measurement on the basis of § 21.7672(b), VA will convert the credit hours to clock hours to determine the reservist's training time.

(Authority: 10 U.S.C. 16136(b); 38 U.S.C. 3688)

* * * * *

(d) *Standards for measurement the same.* If VA measures the courses pursued at both institutions on either a clock-hour basis or a credit-hour basis, VA will measure the reservist's enrollment by adding together the units of measurement for the courses in the second school and the units of measurement for courses in the primary institution. The standard for full time will be the full-time standard for the courses at the primary institution.

(Authority 10 U.S.C. 16136(b); 38 U.S.C. 3688)

§ 21.7674 [Amended]

22. In § 21.7674, paragraph (b) is amended by removing ''21.7720(b)(3) of this part'' and adding, in its place, ''21.7720(b)(9)'' and by removing ''21.7672 of this part'' and adding, in its place, ''21.7672''; and paragraph (c) is amended by removing ''appropriate, if approved under § 21.7720(b)(4) of this part'' and adding, in its place, ''appropriate''.

23. In § 21.7700, paragraphs (f) and (g) are removed; and the introductory text, paragraph (a), and the authority citation are revised, to read as follows:

§ 21.7700 State approving agencies.

VA and State approving agencies have the same general responsibilities for approving courses for training under 38 U.S.C. chapter 1606 (or 10 U.S.C. chapter 106 as in effect before December 1, 1994) as they do for approving courses for training under 38 U.S.C. chapter 30 or 32. Accordingly, in administering 10 U.S.C. chapter 1606 (or 10 U.S.C. chapter 106 as in effect before December 1, 1994), VA will apply the provisions of the following sections:

(a) § 21.4150—Designation,

* * * * *

(Authority: 10 U.S.C. 16136(b); 38 U.S.C. 3670 through 3676)

24. Section 21.7720 is revised to read as follows:

§ 21.7720 Course approval.

(a) *Courses must be approved.* (1) A course of education offered by an educational institution must be approved by—

(i) The State approving agency for the State in which the educational institution is located; or

(ii) The State approving agency which has appropriate approval authority; or

(iii) VA, where appropriate.

(2) In determining when approval authority rests with the State approving agency or VA, the provisions of § 21.4250 (b)(3), (c)(2)(i), (c)(2)(ii), (c)(2)(iii), and (c)(2)(iv) apply.

(3) A course approved under 38 U.S.C. chapter 36 is approved for purposes of 10 U.S.C. chapter 1606 (or 10 U.S.C. chapter 106 as in effect before December 1, 1994).

(Authority: 10 U.S.C. 2131(c), 2136(b); 16131(c)(1), 16136(b); 38 U.S.C. 3672; sec. 705(a)(1), Pub. L. 98–525, 98 Stat. 2565, 2567; sec. 642, Pub. L. 101–189, 103 Stat. 1456–1458)

(b) *Course approval criteria.* In administering benefits payable under 10 U.S.C. chapter 1606 (or 10 U.S.C. chapter 106 as in effect before December 1, 1994), VA and, where appropriate, the State approving agencies, shall apply the following sections:

(1) § 21.4250 (except paragraph (c)(1))—Approval of courses;

(2) § 21.4251—Period of operation of course;

(3) § 21.4253 (except those portions of paragraphs (b) and (f) that permit approval of a course leading to a high school diploma)—Accredited courses;

(4) § 21.4254—Nonaccredited courses;

(5) § 21.4255—Refund policy—nonaccredited courses;

(6) § 21.4258—Notice of approval;

(7) § 21.4259—Suspension or disapproval;

(8) § 21.4260—Courses in foreign countries;

(9) § 21.4265 (except paragraphs (a), (e), and (g))—Practical training approved as institutional training or on-job training;

(10) § 21.4266—Courses offered at subsidiary branches or extensions; and

(11) § 21.4267—Approval of independent study.

(Authority: 10 U.S.C. 16131(c)(1), 16136(b); 38 U.S.C. 3670 through 3676)

25. Section 21.7722 is revised to read as follows:

§ 21.7722 Courses and enrollments which may not be approved.

(a) The Secretary of Veterans Affairs may not approve an enrollment by a reservist in, and a State approving agency may not approve for training under 10 U.S.C. chapter 1606 (or 10 U.S.C. chapter 106 as in effect before December 1, 1994):

(1) A bartending or personality development course;

(2) A course offered by radio;

(3) Except for enrollments in a nurse's aide course approved pursuant to § 21.4253(a)(5), an institutional course for the objective of nurse's aide or a nonaccredited nursing course which does not meet the licensing requirements in the State where the course is offered; or

(4) Effective October 29, 1992, a nonaccredited course or unit subject offered entirely or partly by independent study. However, see §§ 21.7620(c) and 21.7622(f) concerning payment of educational assistance to reservists enrolled in such a course.

(Authority: 10 U.S.C. 16131(c)(1), 16136(b); 38 U.S.C. 3452)

(b) A State approving agency (or VA when acting as a State approving agency) may approve the following courses for training under 10 U.S.C. chapter 1606 (or 10 U.S.C. chapter 106

as in effect before December 1, 1994), but VA may not approve an enrollment in any of these courses by a reservist who is limited in the types of courses he or she may pursue, as provided in § 21.7540 (b)(2) and (b)(3):

(1) A correspondence course;

(2) A cooperative course;

(3) An apprenticeship or other on-job training program;

(4) A nursing course offered by an autonomous school of nursing;

(5) A medical or dental specialty course not offered by an institution of higher learning;

(6) A refresher, remedial, or deficiency course; or

(7) A course or combination of courses consisting solely of independent study.

(Authority: 10 U.S.C. 2131(c), 2136(b), 16131(c)(1), 16136(b); 38 U.S.C. 3670 through 3676; sec. 705(a)(1), Pub. L. 98–525, 98 Stat. 2565, 2567; sec. 642, Pub. L. 101–189, 103 Stat. 1456–1458)

[FR Doc. 96–14369 Filed 6–7–96; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

[FCC 96–225]

Authority Delegated to the General Counsel

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission has concluded that the proper dispatch of its business and the public interest will be best served by expanding the authority delegated to the General Counsel regarding hearing matters. In order to facilitate prompt resolution of adjudicatory hearing proceedings, the Commission has delegated authority to the General Counsel to issue all appropriate orders and to act on all requests for relief regarding hearing matters pending before the Commission en banc, except those requests which involve final disposition on the merits of a previously specified issue concerning an applicant's basic qualifications or two or more applicants' comparative qualifications.

EFFECTIVE DATE: June 10, 1996.

FOR FURTHER INFORMATION CONTACT: John I. Riffer, Office of General Counsel, (202) 418–1756.

SUPPLEMENTARY INFORMATION:

Adopted: May 20, 1996.

Released: May 29, 1996.

1. By its Order, 11 FCC Rcd 1062 (1996), the Commission eliminated the Review Board. In light of the many demands currently imposed on the Commission concerning nonhearing matters, the Commission has concluded that the proper dispatch of its business and the public interest will be best served by expanding the authority delegated to the General Counsel regarding hearing matters. Thus, in order to facilitate prompt resolution of adjudicatory hearing proceedings which are pending before the Commission en banc, we are amending § 0.251 to delegate authority to the General Counsel to act on all requests for relief in such proceedings, and to issue all appropriate orders, except those requests which involve final disposition on the merits of a previously specified issue concerning an applicant's basic qualifications or two or more applicants' comparative qualifications. At the same time, various other, conforming editorial changes have also been made in § 0.251.

2. Authority for the adoption of the amendments adopted herein is contained in Sections 4(i), 4(j), 5(b), 5(c), and 303(r) of the Communications Act of 1934, as amended. 47 U.S.C. 154(i), 154(j), 155(b), 155(c) and 303(r). Because these amendments pertain to agency organization, practice and procedure, the notice and comment and effective date provisions of the Administrative Procedure Act, 5 U.S.C. 553(b)(A) and 553(d), are inapplicable.

3. Accordingly, it is ordered, that, effective June 10, 1996, part 0 is amended as set forth below.

List of Subjects in 47 CFR Part 0

Organization and functions (Government Agencies).

Federal Communications Commission.

LaVera F. Marshall,

Acting Secretary.

Rule Changes

Part 0 of chapter I of title 47 of the Code of Federal Regulations is amended as follows:

PART 0—COMMISSION ORGANIZATION

1. The authority citation for part 0 continues to read as follows:

Authority: Sec. 5, 48 Stat. 1068, as amended; 47 U.S.C. 155, 225, unless otherwise noted.

§ 0.251 [Amended]

2. Section 0.251 is amended by adding paragraphs (c), (d), and (e), removing paragraphs (f), (g), and (h) and redesignating paragraphs (i) and (j) as paragraphs (f) and (g) to read as follows:

* * * * *

(c) The General Counsel is delegated authority in adjudicatory hearing proceedings which are pending before the Commission en banc to act on all requests for relief, and to issue all appropriate orders, except those which involve final disposition on the merits of a previously specified issue concerning an applicant's basic qualifications or two or more applicants' comparative qualifications.

(d) When an adjudicatory proceeding is before the Commission for the issuance of a final order or decision, the General Counsel will make every effort to submit a draft order or decision for Commission consideration within four months of the filing of the last responsive pleading. If the Commission is unable to adopt an order or decision in such cases within five months of the last responsive pleading, it shall issue an order indicating that additional time will be required to resolve the case.

(e) The official record of all actions taken by the General Counsel pursuant to § 0.251 (c) and (d) is contained in the original docket folder, which is maintained by the Secretary in the Dockets Branch.

* * * * *

[FR Doc. 96–14570 Filed 6–7–96; 8:45 am]

BILLING CODE 6712–01–P

47 CFR Part 73

[MM Docket No. 90–66, RM–7139, RM–7368, RM–7369]

Radio Broadcasting Services; Lincoln, Osage Beach, Steelville and Warsaw, MO

AGENCY: Federal Communications Commission.

ACTION: Final rule; petition for reconsideration.

SUMMARY: This document denies the petition for reconsideration filed by Twenty One Sound Communications, Inc., licensee of Station KNSX(FM), Steelville, Missouri of our *Report and Order*, 57 FR 21040 (May 18, 1992) substituting Channel 228C3 for Channel 228A at Osage Beach, Missouri and modified the license of Station KYLC, Osage Beach, Missouri, to specify the higher class channel. The Commission affirmed the dismissal of Twenty One's counterproposal for failure to verify pursuant to Section 1.52 of the Commission's Rules. With this action, this proceeding is terminated.

EFFECTIVE DATE: June 10, 1996.

FOR FURTHER INFORMATION CONTACT: Arthur D. Scrutchins, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Memorandum Opinion and Order*, MM Docket No. 90–66, adopted May 9, 1996 and released June 4, 1996. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc. (202) 857–3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Douglas W. Webbink,

Chief, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 96–14618 Filed 6–7–96; 8:45 am]

BILLING CODE 6712–01–F

47 CFR Part 76

[CS Docket No. 95–178; FCC 96–197]

Definition of Markets for Purposes of the Cable Television Must-Carry Rules

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission amends its rules to continue to use Arbitron's 1991–1992 ''Area of Dominant Influence'' (''ADI'') market list for determining local markets for the must-carry/retransmission consent election that must be made by commercial broadcast television stations by October 1, 1996. The Commission will switch to Nielsen's ''Designated Market Area'' (''DMA'') list beginning with the 1999 election, and will use updated Nielsen market lists for subsequent elections. The Commission's previously established procedures to determine local television markets for signal carriage purposes assumed that Arbitron would continue to publish market designations and that updated ADI market lists would be available for each triennial must-carry/retransmission consent election. However, Arbitron has ceased publication of its ADI market list and it is now necessary for the Commission to adopt a revised mechanism for determining local markets for signal carriage purposes. By postponing the change to market designation procedures until the 1999 election, the Commission and affected parties will have an opportunity to consider transitional mechanisms to facilitate the switch from one market designation to another. The *Further Notice of Proposed Rulemaking* segment of this decision is summarized elsewhere in this issue of the Federal Register.

EFFECTIVE DATE: July 10, 1996.

FOR FURTHER INFORMATION, CONTACT: Marcia Glauberman or John Adams, Cable Services Bureau, (202) 418–7200.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order*, CS Docket No. 95–178, FCC 96–197, adopted April 25, 1996, and released May 24, 1996. The full text of this decision is available for inspection and copying during normal business hours in the FCC Reference Center (room 239), 1919 M Street, NW., Washington, DC 20554, and may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 1919 M Street, NW., Washington, DC 20554.

Synopsis of the Report and Order

1. The *Report and Order* amends § 76.55(e) of the rules, 47 CFR 76.55(e), to continue to use Arbitron Ratings Company's *1991–1992 Television ADI Market Guide* as the source of local market designations for signal carriage purposes for the must-carry/retransmission consent election that must take place by October 1, 1996, and will become effective on January 1, 1997. The rule also is amended to use Nielsen Media Research's *DMA Market and Demographic Rank Report* to determine markets beginning with the 1999 election, which becomes effective January 1, 2000.

2. Under the signal carriage provisions added to the Communications Act (''Act'') by the Cable Television Consumer Protection and Competition Act of 1992 (''1992 Cable Act''), commercial broadcast television stations are permitted to elect once every three years whether they will be carried by cable systems in their local markets pursuant to the must-carry or retransmission consent rules. Section 614 of the Act, 47 U.S.C. 534, provides that a station electing must-carry status is entitled to insist on carriage of its signal. A station electing retransmission consent as set forth in Section 325 of the Act, 47 U.S.C. 325 negotiates a carriage agreement with each cable operator and may be compensated for its station's carriage. The next election must be made by October 1, 1996, and will become effective on January 1, 1997.

3. For purposes of these carriage rights, a station is considered local on all cable systems located in the same television market as the station. As enacted in 1992, section 614(h)(1)(C) of the Act required, through a cross-reference to a Commission rule dealing with broadcast ownership issues, that a station's market shall be determined using the Arbitron Ratings Company's ''areas of dominant influence'' or ''ADI.'' The rules adopted in 1993 to implement these signal carriage provisions established a mechanism for determining a station's local market for each must-carry/retransmission consent cycle based on ADI market lists. For the initial election in 1993, Arbitron's *1991–1992 Television ADI Market Guide* was used to define local markets and for each subsequent election cycle an updated ADI market list was to be used. For example, the rule specified that Arbitron's 1994–1995 ADI list would be used for the 1996 election.

4. However, since we established these procedures, Arbitron left the television research business and the market list specified in the rules for this year's election is unavailable. Congress recognized that Arbitron no longer publishes television market lists and the Telecommunications Act of 1996 (''1996 Act''), Pub. L. 104–104, 110 Stat. 56 (1996), amended the definition of local market that referenced ADIs. Specifically, section 614(h)(1)(C) of the Act was amended by Section 301 of the 1996 Act to provide that for purposes of applying the mandatory carriage provisions, a broadcasting station's market shall be determined ''by the Commission by regulation or order using, where available, commercial publications which delineate television markets based on viewing patterns * * *.''

5. In addition, section 614(h) of the Act requires the Commission to consider petitions for market modifications to add communities to or exclude communities from a station's local market based on historical carriage, signal coverage, local service, and viewing patterns. The 1996 Act modified this provision to require the Commission to act on all petitions for market modifications within 120 days.

6. Prior to the 1996 Act, but consistent with its amended definition of local market, we issued the Notice of Proposed Rulemaking (''NPRM'') in this proceeding, *summarized* at 61 FR 1888 (January 24, 1996), seeking comment on three proposals for revising the mechanism for determining local markets. First, the Commission could substitute Nielsen Media Research's ''designated market areas'' or ''DMAs''

for Arbitron's ADIs. While similar in many ways, the differences between DMA and ADI market areas could result in a change in the area in which a station can insist on carriage rights and a change in the stations that a cable system is required to carry. The second option would be to continue to use Arbitron's *1991–1992 Television ADI Market Guide* to define market areas, subject to individual review and refinement through the section 614(h) process. Under this option, the local market definition would remain unchanged, subject only to future individual market modifications. A third proposal would be to retain the existing market definitions for the 1996 election period and switch to a Nielsen based standard for subsequent elections.

7. The Commission concludes that Nielsen's DMA market assignments provide the most accurate method for determining the areas served by local stations. DMAs have become the television market standard for commercial purposes in the absence of any alternative and represent the actual market areas in which broadcasters acquire programming and sell advertising. Moreover, in general, we continue to believe that our 1993 decision to use updated market designations for each election cycle to account for changing markets is appropriate. Nielsen also provides the only generally recognized source for information on television markets that would permit us to use updated market designations for each election cycle to account for changing markets, consistent with our 1993 decision.

8. However, from the data provided in the record, it is clear that a greater number of stations, cable systems, and cable subscribers would be affected by a switch to DMAs than would be affected by simply using an updated ADI market list, as the rules had contemplated. In particular, we are concerned about the impact of changing the market definition in certain types of situations, such as cases where the differences in methodology and procedures between Arbitron and Nielsen result in significant changes in market areas. In addition, the statements of costs and burdens put forth by cable operators do not provide a means to determine whether there are potential problems associated with a change in definition that could be ameliorated in some manner through transitional procedures. Further, while some cable subscribers will be affected by changing signal carriage requirements resulting from a switch to a DMA standard, there may be ways to minimize the disruptions to their service.

9. The Commission also is concerned about the impact of changing the market definition on the section 614(h) market modification decisions already in force. It is unclear whether cable operators could face conflicting obligations based on a revised market standard when these modifications are considered in conjunction with a new market definition. In addition, without extensive evidence, we are unable to determine the burden on the Commission to remedy such conflicts that might result from an immediate switch to DMAs.

10. Thus, the Commission decides to continue to use the 1991–1992 ADI market list for the 1996 election and to establish a framework that uses updated DMA market lists for the 1999 and subsequent elections. In addition, the home county exception is retained in order to ensure that a station is carried in its home county in the limited instances where the station is assigned to an ADI market by Arbitron or a DMA market by Nielsen that is not the same as its home county's market. For the time-being, the Commission also will rely on market modifications determined pursuant to Section 614(h) to refine market boundaries to account for changes in viewing patterns and market conditions.

Final Regulatory Flexibility Analysis

11. Pursuant to the Regulatory Flexibility Act of 1980, 5 U.S.C. 601–12, the Commission's final analysis with respect to the *Report and Order* is as follows:

12. *Need and Purpose of this Action*: This action is necessary because the procedure for determining local television markets for signal carriage purposes relies on a market list no longer published by the Arbitron Ratings Company.

13. *Summary of Issues Raised by the Public in Response to the Initial Regulatory Flexibility Analysis*: There were no comments submitted in response to the Initial Regulatory Flexibility Analysis.

14. *Significant Alternatives Considered and Rejected*. The Commission proposed three alternatives in its *NPRM* and comments were submitted that addressed the administrative burdens of each alternative. In order to minimize the administrative burdens on broadcasters and cable operators, the decision contained herein retains the existing market definitions and the existing market modification process for the 1996 must-carry/retransmission consent election cycle. This decision postpones a change in market definition from Arbitron's ADI to Nielsen's DMA until the 1999 election in order to provide an opportunity for the Commission and affected parties to consider transitional mechanisms that could minimize the effects of changing market definitions on broadcasters and cable operators, including small business entities.

Ordering Clauses

15. Accordingly, it is ordered that, pursuant to sections 4(i), 4(j) and 614 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j) and 534, and section 301 of the Telecommunications Act of 1996, Pub. L. 104–104 (1996), Part 76 is amended as set forth below, July 10, 1996.

16. It is further ordered that, the Secretary shall send a copy of the *Report and Order*, including the Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act. Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601 *et seq.* (1981).

List of Subjects in 47 CFR Part 76

Cable television.

Federal Communications Commission

William F. Caton,

Acting Secretary.

Rule Changes

Part 76 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

PART 76—CABLE TELEVISION SERVICE

1. The authority citation for Part 76 continues to read as follows:

Authority: 47 U.S.C. 151, 152, 153, 154, 301, 302, 303, 303a, 307, 308, 309, 312, 315, 317, 325, 503, 521, 522, 531, 532, 533, 534, 535, 536, 537, 543, 544, 544a, 545, 548, 552, 554, 556, 558, 560, 561, 571, 572, 573.

2. Section 76.55 is amended by revising paragraph (e) to read as follows:

§ 76.55 Definitions applicable to the must-carry rules.

* * * * *

(e) *Television market.* (1) Until January 1, 2000, a commercial broadcast television station's market, unless amended pursuant to § 76.59, shall be defined as its Area of Dominant Influence (ADI) as determined by Arbitron and published in the Arbitron *1991–1992 Television ADI Market Guide*, as noted below, except that for areas outside the contiguous 48 states, the market of a station shall be defined using Nielsen's Designated Market Area (DMA), where applicable, as published in the Nielsen *1991–92 DMA Market*

and Demographic Rank Report, and that Puerto Rico, the U.S. Virgin Islands, and Guam will each be considered a single market.

(2) Effective January 1, 2000, a commercial broadcast television station's market, unless amended pursuant to § 76.59, shall be defined as its Designated Market Area (DMA) as determined by Nielsen Media Research and published in its *DMA Market and Demographic Rank Report* or any successor publication, as noted below.

(3) A cable system's television market(s) shall be the one or more ADI markets in which the communities it serves are located until January 1, 2000, and the one or more DMA markets in which the communities it serves are located thereafter.

(4) In addition, the county in which a station's community of license is located will be considered within its market.

Note to paragraph (e): For the 1996 must-carry/retransimission consent election, the ADI assignments specified in the *1991–1992 Television ADI Market Guide*, available from the Arbitron Ratings Co., 9705 Patuxent Woods Drive, Columbia, MD, will apply. For the 1999 election, which becomes effective on January 1, 2000, DMA assignments specified in the 1997–98 *DMA Market and Demographic Rank Report*, available from Nielsen Media Research, 299 Park Avenue, New York, NY, shall be used. The applicable DMA list for the 2002 election will be the 2000–2001 list, etc.

* * * * *

[FR Doc. 96–14571 Filed 6–7–96; 8:45 am]

BILLING CODE 6712–01–P

ENVIRONMENTAL PROTECTION AGENCY

48 CFR Parts 1501, 1509, 1510, 1515, 1532, 1552 and 1553

[FRL–5516–4]

Acquisition Regulation; Monthly Progress Reports; Submission of Invoices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This document revises the EPA Acquisition Regulation (EPAAR) contract clauses for monthly progress reports, submission of invoices, and other related information. Authority for two internal EPA reviews is also redelegated.

EFFECTIVE DATE: June 25, 1996.

ADDRESSES: Environmental Protection Agency, Office of Acquisition Management (3802F), 401 M Street SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Larry Wyborski, Telephone: (202) 260–6482.

SUPPLEMENTARY INFORMATION:

I. Background Information

The proposed rule was published in the Federal Register (60 FR 51964–51968) on October 4, 1995, providing for a 60 day comment period.

Interested parties were afforded the opportunity to participate in the making of this rule. The following is a summary of each comment and the Agency disposition of these comments.

1. *Comment:* Paragraphs (c)(1) and (2) of the Submission of Invoices clause references invoice preparation instructions ''. . . identified as a separate attachment in Section J . . .'' Perhaps the intent of your proposed provision is to reference the current EPA Form 1900 or 1900–34A or some similar document, in which case we, and other EPA contractors, are familiar with its requirements. On the other hand, if you have another document in mind we would be particularly interested in its proposed contents.

Response: The reference is to invoice preparation instructions under each contract, which will convey similar information now conveyed in the EPA Form 1900–34 and 1900–34A. Contracting Officers will be able to devise the instructions to fit the specific circumstances of the acquisition. The EPA Form 1900–34 and 1900–34A are obsolete. See items 16 and 17 of this rule which delete these forms from use by EPA.

2. *Comment:* Submission of Invoices clause, paragraph (c)(1) and the Monthly Progress Report clause, paragraph (d)(2) call for amounts claimed ''for the contract total.'' It is not clear what is meant by that phrase particularly in light of the requirements of the proposed Monthly Progress Report provision. If you mean the contract period, that presents no additional burden. If you mean the ''cumulative contract life'' (your expression from the Monthly Progress Report provision), this would be more difficult as your cost accounting system does not currently add contract year information together.

Response: ''Contract total'' refers to cumulative contract life. This is a change from the prior Agency requirements which will improve the Agency's ability to assess cost reasonableness.

3. *Comment:* The Submission of Invoices clause, paragraph (c)(3) calls for subcontract amounts to be ''further detailed in a supporting schedule showing major cost elements for each subcontract.'' This raises the potential issue of proprietary information on cost-plus fixed-fee (CPFF) subcontracts where subcontractors may be unwilling to provide fully disclosed cost detail to prime contractors. The Agency would have to determine how they would like to have subcontractors to provide that detail if it was still requested. For example, subcontractors could provide in sealed envelopes the proprietary backup to their invoices which contain the desired information and primes could then enclose all the envelopes with their invoices. This would be bulky and postage costs would increase as a result.

Response: The ''Subcontracts'' clause of the Federal Acquisition Regulation makes it the responsibility of contractors to obtain information that ensures subcontractor costs are reasonable, if such a requirement is established in other contract provisions. The Agency suggests that a prime contractor enter into confidentiality agreements with subcontractors to ensure that they provide the necessary data, if such data is considered proprietary.

4. *Comment:* Monthly Progress Report, paragraph (c), calls for the prime contractor to maintain the Contracting Officer's list of pending actions.

Response: Paragraph (c) is not a requirement to maintain the Contracting Officer's ''list.'' It is a requirement for contractors to specify contractor requests awaiting Contracting Officer authorization.

5. *Comment:* Several requirements for information have the potential for being quickly outdated and thus may lose whatever value they may be expected to offer.

Response: If the information requested is updated monthly, as required by the monthly progress report, the Agency believes it will be useful in making cost reasonableness determinations.

6. *Comment:* Paragraph (d)(4) of the Monthly Progress Report clause calls for the tracking of costs against contract ''ceilings''. Many of the items listed are not normally the subject of contract ceilings. It is not clear if your provision literally means ceilings or if you mean the amounts proposed in each of those areas as part of the total estimated cost. Further, the concept of ''remaining amounts'' has little meaning unless you are referring to contract ceilings. Lastly, reporting costs by individual contractor is not within the capability of the invoicing module of our current cost accounting and would thus take a modification to that system or manual invoice preparation.

As stated, the provision means ceilings. The provision does not refer to part of the estimated costs. Adjustments to internal contractor systems may be necessary to meet this requirement.

7. *Comment:* The new information requirements would add considerable time and costs to the preparation of invoices and monthly progress reports.

Response: The procedures and information requested were formulated with the realization that they may entail additional indirect costs to the contractor which will be passed along to the Agency. The Agency believes that such costs will be outweighed by the benefits of enhancing EPA's ability to determine whether contract costs are reasonable for payment purposes.

8. *Comment:* While we understand the desire of the Agency to obtain additional information under its contracts through invoices and monthly reports, we believe the proposed changes are overreaching and do not reflect the FAR proscription to obtain the minimum technical data necessary to manage the contract. The rule increases the federally-imposed administrative burden on contractors.

Response: The FAR policy proscription refers to technical data, such as that which is scientific in nature. It does not refer to information incidental to contract administration. It is the Agency's responsibility to determine cost reasonableness, based on a standard of what a prudent person would incur in the conduct of competitive business. If an initial review of the facts results in the challenge of specific costs by the Government, the burden of proof is on the contractor to establish that such a cost is reasonable. This final rule will ensure that supporting documentation is provided in cases where a prudent person could not otherwise make a cost reasonableness determination.

9. *Comment:* When a final decision is made to disallow costs, a copy of the EPA Form 1900–68 should also be sent to the contractor's cognizant audit office.

Response: A copy of all completed EPA 1900–68 Forms will be provided to the applicable Cost Advisory Office, per item number 6 of the form.

10. *Comment:* EPA is acting inconsistently with Paperwork Reduction Act requirements, as codified in 5 CFR 1320.

Response: This action is consistent with the Paperwork Reduction Act. There is an existing clearance for this information collection requirement, previously approved OMB control number 2030–0005. The Agency submitted an amended information request for the data in this rule, which OMB has approved. Also see item III. for information required by the Paperwork Reduction Act.

11. *Comment:* EPA should accept OMB policy (i.e., OMB Circular A–133) which requires agencies to rely upon contractors/grantees to review approved systems to account for federal funds, rather than transaction reviews performed by the funding agency.

Response: The OMB Circular also states that a Federal agency shall make any additional reviews necessary to carry out responsibilities under Federal law and regulation. As stated in response to 8., it is the Agency's responsibility to determine cost reasonableness, based on a standard of what a prudent person would incur in the conduct of competitive business. If an initial review of the facts results in the challenge of specific costs by the Government, the burden of proof is on the contractor to establish that such a cost is reasonable. This rule will ensure that supporting documentation is provided in order to make a cost reasonableness determination.

12. *Comment:* EPA has not justified the substantially increased effort required under the proposed rule. The level of detail specified in the new Monthly Progress Report clause may not be readily available to many contractors. The revised clause will require the expenditure of considerable time and money at a time when Government procurement is moving toward increased simplification. The EPA should satisfy itself that the perceived benefits of the new Monthly Progress report clause will justify the costs.

Response: Reference is made to responses to comments 7. and 8. Also, one EPA contractor commented that none of the information requested is impossible for prime contractors to provide to the Agency. A second EPA contractor stated that the changes appear to be very useful in enhancing EPA's ability to monitor the financial performance of contractors. The Agency received no comments from contractors stating that the requested information would be unavailable to them. Lastly, the Agency considered the cost benefits of the rule, prior to determining that any additional costs to the Government would be more than offset by the benefits obtained from necessary data upon which to make cost reasonableness determinations.

13. *Comment:* We disagree with the statement that the annual burden of information collection is not estimated to change.

Response: The information collection burden is based on current contractor preparation time for the Monthly Progress Report, assuming a relatively large number of contracts and using EPA contractor processing time on an average of work assignments for the month. The figure of 43 hours uses the high range of the burden estimates provided by contractors. Therefore, the 43 hours is considered a reasonable basis for the burden estimate. See Item III. for details on why the burden is not estimated to change.

14. *Comment:* Several comments recommended specific revisions to the language of EPAAR 1552.210–72, Monthly Progress Report, and EPAAR 1552.232–70, Submission of Invoices.

Response: As a result of these comments, changes were made to the proposed language in Monthly Progress Report clause. Specifically, paragraphs (a), (d)(6) and (e)(3)(v) were revised, and paragraph (e)(6) was added.

II. Executive Order 12866

This is not a significant regulatory action under Executive Order 12866; therefore, no review is required at the Office of Information and Regulatory Affairs within OMB.

III. Paperwork Reduction Act

The Office of Management and Budget (OMB) has approved the information collection and record keeping requirements contained in this proposed rule under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq* and has assigned OMB control number 2030–0005.

Agencies are required to monitor cost-reimbursement, time and material and labor hour contracts in terms of financial and technical efficiency. The Environmental Protection Agency Acquisition Regulation (EPAAR) prescribes use of the contract clause entitled ''Monthly Progress Report'' to obtain the information necessary to monitor these contracts. The responses to the collection of information are required for contractors to receive payment, in accordance with the EPAAR.

Progress reports contain confidential business information and are protected from release in accordance with 40 CFR Part 2.

This rule is not estimated to change the annual burden of information collection and record keeping requirements, which is estimated to be 43 hours per response. Respondent burden is based on the current estimated response burden that was modified to consider: (1) decreased burden due to familiarity with the requirement, improved computer monitoring techniques and the use of

word processing in lieu of typing (net effect—decrease information gathering time from 28.25 to 25.25 hours per month); and (2) increased burden due to a requirement for more reporting data (net effect—increase information processing, compilation and review time from 14.75 to 17.75 hours per month)).

Collection activity	Hours per month	Cost
1. Gather Information	25.25	$2,220.00
2. Compile/Process Information	17.75	710.00
Total	43	2,930.00

In addition, Capital costs per respondent are estimated at $180.00 per year, based on monthly reproduction and postage costs of $15.00 per respondent (12 months x $15.00 = $180.00 per year).

Contractors are reimbursed for costs under the applicable contracts.

In most instances, it is a contractor's project manager who manages the effort under the contract and prepares the progress report. EPA's Cost Advisory and Financial Analysis Division estimates the loaded hourly rate for an assistant project manager to be $80.00 per hour and the loaded hourly rate for a data entry clerk to be $40.00 per hour. These figures are based on Agency contracts.

EPA currently has an estimated 650 contracts which require monthly progress reports. Based on this estimate, there would be 7,800 responses per year (650 respondents x 12 monthly responses = 7,800).

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain or disclose or provide information to or for a Federal agency. This includes the time to review instructions; develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; and transmit or otherwise disclose the information.

An Agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15. EPA is amending the table in Subpart 1501.3, 48 CFR Chapter 15 of currently approved ICR control numbers issued by OMB for various regulations to list the information requirements contained in this final rule.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques, to the Director, OPPE Regulatory Information Division: U. S. Environmental Protection Agency (2136); 401 M St., S.W.; Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th St., N. W., Washington DC 20503, marked ''Attention: Desk Officer for EPA.'' Include the ICR number in any correspondence.

IV. Regulatory Flexibility Act

This rule is not expected to have a significant impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 et. seq. Under invoicing procedures, contractors submit payment requests to the Government based on known costs incurred. Compliance with this requirement will involve minimal cost or effort for any entity, large or small.

V. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) P.L. 104–4, establishes requirements for Federal agencies to assess their regulatory actions on State, local, and tribal governments and the private sector.

EPA has determined that this rule does not contain a Federal mandate that may result in expenditures of $100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any one year. Private sector costs for this action relate to paperwork requirements and associated expenditures that are far below the level established for UMRA applicability. Thus, the rule is not subject to the requirements of sections 202 and 205 of the UMRA.

VI. Regulated Entities

EPA contractors are entities potentially regulated by this action. Specifically, those contractors who have cost-reimbursement type contracts with EPA are likely to be affected.

Category	Regulated entities
Industry	EPA contractors.

Questions regarding the applicability of this action to a particular entity, should be directed to the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

List of Subjects in 48 CFR Parts 1501, 1509, 1510, 1515, 1532, 1552 and 1553

Government procurement.

For the reasons set forth in the preamble, Chapter 15 of Title 48 Code of Federal Regulations is amended as follows:

1. The authority citation for 1501, 1509, 1510, 1515, 1532, 1552 and 1553 continues to read as follows:

Authority: Sec. 205(c), 63 Stat. 390 as amended, 40 U.S.C. 486(c).

PART 1501—[AMENDED]

1501.37 [Amended]

2. Section 1501.370 is amended by removing the text ''1510.011–70 through 1510.011–74'' and adding in its place ''1510.011–70 and 1510.011–72'' and by removing the text ''1552.210–71 through 1552.210–73'' and adding in its place ''1552.210–72.''

PART 1509—[AMENDED]

1509.503 [Amended]

3. Section 1509.503 is amended by removing the words ''Assistant Administrator for Administration and Resources Management'' and adding in its place the words ''Head of the Contracting Activity.''

PART 1510—[AMENDED]

1510.011–71 [Removed]

4. Section 1510.011–71 is removed and reserved.

5. Section 1510.011–72 is revised to read as follows:

1510.011–72 Monthly progress report.

Contracting Officers shall insert a contract clause substantially the same as the clause at 1552.210–72 when monthly progress reports are required.

1510.011–73 [Removed]

6. Section 1510.011–73 is removed and reserved.

1510.011–74 [Removed]

7. Section 1510.011–74 is removed and reserved.

PART 1515—[AMENDED]

1515.608 [Amended]

8. Section 1515.608 is amended by removing the word ''CCO'' in paragraph (e) and adding in its place the words ''Competition Advocate.''

PART 1532—[AMENDED]

9. Section 1532.170 is amended by revising paragraph (b) to read as follows and to remove paragraph (c):

1532.170 Forms.

* * * * *

(b) EPA Form 1900–68, Notice of Contract Costs Suspended and/or Disallowed, at 1553.232–75, shall be inserted in all cost-reimbursement type and fixed-rate type contracts.

10. Section 1532.908 is revised to read as follows:

1532.908 Contract clauses.

The Contracting Officer shall insert a clause substantially the same as that at 1552.232–70 in all solicitations and contracts for cost reimbursable acquisitions. If a fixed-rate type contract is contemplated, the Contracting Officer shall use the clause with its Alternate I.

PART 1552—[AMENDED]

1552.210–71 [Removed]

11. Section 1552.210–71 is removed and reserved.

12. Section 1552.210–72 is revised to read as follows:

1552.210–72 Monthly Progress Report.

As prescribed in 1510.011–72, insert the following clause:

Monthly Progress Report (Jun 1996)

(a) The Contractor shall furnish _____ copies of the combined monthly technical and financial progress report stating the progress made, including the percentage of the project completed, and a description of the work accomplished to support the cost. If the work is ordered using work assignments or delivery orders, include the estimated percentage of task completed during the reporting period for each work assignment or delivery order.

(b) Specific discussions shall include difficulties encountered and remedial action taken during the reporting period, and anticipated activity with a schedule of deliverables for the subsequent reporting period.

(c) The Contractor shall provide a list of outstanding actions awaiting Contracting Officer authorization, noted with the corresponding work assignment, such as subcontractor/consultant consents, overtime approvals, and work plan approvals.

(d) The report shall specify financial status at the contract level as follows:

(1) For the current reporting period, display the amount claimed.

(2) For the cumulative period and the cumulative contract life display: the amount obligated, amount originally invoiced, amount paid, amount suspended, amount disallowed, and remaining approved amount. The remaining approved amount is defined as the total obligated amount, less the total amount originally invoiced, plus total amount disallowed.

(3) Labor hours.

(i) A list of employees, their labor categories, and the numbers of hours worked for the reporting period.

(ii) For the current reporting period, display the expended direct labor hours and costs broken out by EPA contract labor hour category for the prime contractor and each subcontractor and consultant.

(iii) For the cumulative contract period and the cumulative contract life display: the negotiated, expended and remaining direct labor hours and costs broken out by EPA contract labor hour category for the prime contractor, and each subcontractor and consultant.

(iv) Display the estimated direct labor hours and costs to be expended during the next reporting period.

(4) Display the current dollar ceilings in the contract, net amount invoiced, and remaining amounts for the following categories: Direct labor hours, total estimated cost, award fee pool (if applicable), subcontracts by individual subcontractor, travel, program management, and Other Direct Costs (ODCs).

(5) Unbilled allowable costs. Display the total costs incurred but unbilled for the current reporting period and cumulative for the contract.

(6) Average cost of direct labor. Compare the actual average cost per hour to date with the average cost per hour of the approved work plans for the current contract period.

(e) The report shall specify financial status at the work assignment or delivery order level as follows:

(1) For the current period, display the amount claimed.

(2) For the cumulative period display: amount shown on workplan, or latest work assignment/delivery order amendment amount (whichever is later); amount currently claimed; amount paid; amount suspended; amount disallowed; and remaining approved amount. The remaining approved amount is defined as: the workplan amount or latest work assignment or delivery order amount (whichever is later), less total amounts originally invoiced, plus total amount disallowed.

(3) Labor hours.

(i) A list of employees, their labor categories, and the number of hours worked for the reporting period.

(ii) For the current reporting period, display the expended direct labor hours and costs broken out by EPA contract labor hour category for the prime contractor and each subcontractor and consultant.

(iii) For the current reporting period, cumulative contract period, and the cumulative contract life display: the negotiated, expended and remaining direct labor hours and costs broken out by EPA contract labor hour category for the prime contractor and each subcontractor and consultant.

(iv) Display the estimated direct labor hours and costs to be expended during the next reporting period.

(v) Display the estimates of remaining direct labor hours and costs required to complete the work assignment or delivery order.

(4) Unbilled allowable costs. Display the total costs incurred but unbilled for the current reporting period and cumulative for the work assignment.

(5) Average cost of direct labor. Display the actual average cost per hour with the cost per hour estimated in the workplan.

(6) A list of deliverables for each work assignment or delivery order during the reporting period.

(f) This submission does not change the notification requirements of the ''Limitation of Cost'' or ''Limitation of Funds'' clauses requiring separate written notice to the Contracting Officer.

(g) The reports shall be submitted to the following addresses on or before the _____ of each month following the first complete reporting period of the contract. See EPAAR 1552.232–70, Submission of Invoices, paragraph (e), for details on the timing of submittals. Distribute reports as follows:

No. of copies	Addressee
_____	Project Officer.
_____	Contracting Officer.

1552.210–73 [Removed]

13. Section 1552.210–73 is removed and reserved.

1552.210–74 [Removed]

14. Section 1552.210–74 is removed and reserved.

15. Section 1552.232–70 is revised to read as follows:

1552.232–70 Submission of invoices.

As prescribed in 1532.908, insert the following clause:

Submission of Invoices (Jun 1996)

In order to be considered properly submitted, an invoice or request for contract financing payment must meet the following contract requirements in addition to the requirements of FAR 32.905:

(a) Unless otherwise specified in the contract, an invoice or request for contract financing payment shall be submitted as an original and five copies. The Contractor shall submit the invoice or request for contract financing payment to the following offices/individuals designated in the contract: the original and two copies to the Accounting Operations Office shown in Block _____ on the cover of the contract; two copies to the Project Officer (the Project Officer may direct one of these copies to a separate address); and one copy to the Contracting Officer.

(b) The Contractor shall prepare its invoice or request for contract financing payment on the prescribed Government forms. Standard Forms Number 1034, Public Voucher for Purchases and Services other than Personal, shall be used by contractors to show the amount claimed for reimbursement. Standard Form 1035, Public Voucher for Purchases and Services other than Personal—Continuation Sheet, shall be used to furnish the necessary supporting detail or additional information required by the Contracting Officer. The Contractor may submit self-designed forms which contain the required information.

(c)(1) The Contractor shall prepare a contract level invoice or request for contract financing payment in accordance with the invoice preparation instructions identified as a separate attachment in Section J of the contract. If contract work is authorized by

individual work assignments, the invoice or request for contract financing payment shall also include a summary of the current and cumulative amounts claimed by cost element for each work assignment and for the contract total, as well as any supporting data for each work assignment as identified in the instructions.

(2) The invoice or request for contract financing payment shall include current and cumulative charges by major cost element such as direct labor, overhead, travel, equipment, and other direct costs. For current costs, each major cost element shall include the appropriate supporting schedule identified in the invoice preparation instructions. Cumulative charges represent the net sum of current charges by cost element for the contract period.

(3) The charges for subcontracts shall be further detailed in a supporting schedule showing the major cost elements for each subcontract. The degree of detail for any subcontract exceeding $5,000 is to be the same as that set forth under (c)(2).

(4) The charges for consultants shall be further detailed in the supporting schedule showing the major cost elements of each consultant. For current costs, each major cost element of the consulting agreement shall also include the supporting schedule identified in the invoice preparation instructions.

(d) Invoices or requests for contract financing payment must clearly indicate the period of performance for which payment is requested. Separate invoices or requests for contract financing payment are required for charges applicable to the basic contract and each option period.

(e)(1) Notwithstanding the provisions of the clause of this contract at FAR 52.216–7, Allowable Cost and Payment, invoices or requests for contract financing payment shall be submitted once per month unless there has been a demonstrated need and Contracting Officer approval for more frequent billings. When submitted on a monthly basis, the period covered by invoices or requests for contractor financing payments shall be the same as the period for monthly progress reports required under this contract.

(2) If the Contracting Officer allows submissions more frequently than monthly, one submittal each month shall have the same ending period of performance as the monthly progress report.

(3) Where cumulative amounts on the monthly progress report differ from the aggregate amounts claimed in the invoice(s) or request(s) for contract financing payments covering the same period, the contractor shall provide a reconciliation of the difference as part of the payment request. Alternate I (JUN 1996). If used in a fixed-rate type contract, substitute the following paragraphs (c)(1) and (2) for paragraphs (c)(1) and (2) of the basic clause:

(c)(1) The Contractor shall prepare a contract level invoice or request for contract financing payment in accordance with the invoice preparation instructions identified as a separate attachment in Section J of the contract. If contract work is authorized by individual delivery orders, the invoice or request for contract financing payment shall also include a summary of the current and cumulative amounts claimed by cost element for each delivery order and for the contract total, as well as any supporting data for each delivery order as identified in the instructions.

(2) The invoice or request for contract financing payment that employs a fixed rate feature shall include current and cumulative charges by contract labor category and by other major cost elements such as travel, equipment, and other direct costs. For current costs, each cost element shall include the appropriate supporting schedules identified in the invoice preparation instructions.

PART 1553—[AMENDED]

16. Section 1553.232–75 is revised to read as follows:

1553.232–75 EPA Form 1900–68, Notice of Contract Costs Suspended and/or Disallowed.

As prescribed in 1532.170(b), the Contracting Officer shall insert EPA Form 1900–68 in all cost-reimbursement type and fixed-rate type contracts.

1553.232–76 [Removed]

17. Section 1553.232–76 is removed and reserved.

Dated: May 28, 1996.

Betty L. Bailey,

Director Office of Acquisition.

Note.—The following appendix will not appear in the Code of Federal Regulations.

Appendix—EPA Form 1900–68, Notice of Contract Costs Suspended or Disallowed.

BILLING CODE 6560–50–P

Form Approved - OMB No. 2030-0005 -Approval Expires 11-30-96

EPA	United States Environmental Protection Agency Washington, DC 20460 **NOTICE OF CONTRACT COSTS SUSPENDED AND/OR DISALLOWED**	PAGE ___ OF ___ PAGES
TO: *(Name and Address of Contractor)*	Contract Number	Date
	Delivery Order Number *(If Applicable)*	Voucher Number Reference

1. SUSPENDED COSTS, as referred to herein, are costs which, for the reasons stated below, have been determined by the undersigned to be inadequately supported or otherwise questionable, and not appropriate for reimbursement under the contract terms at this time. Such costs may be determined reimbursable after the contractor provides the Contracting Officer and/or Project Officer additional documentation or explanation as specified below.
2. DISALLOWED COSTS, as referred to herein, are costs which, for the reasons stated below, have been determined by the undersigned to be unallowable, that is, not reimbursable under the contract terms.
3. This notice must be responded to by the contractor within 60 days of issuance. Any suspended costs will become disallowed if the contractor does not respond in the time allotted. These disallowed costs should be removed from the contractor's accounting records for this contract.
4. The contractor may not rebill any suspended costs on this form until notified by the Contracting Officer and/or Project Officer on this contract that the suspension has been lifted.
5. If the contractor disagrees with this/these determinations, the contractor may (1) request in writing the cognizant contracting officer to consider whether the unreimbursed costs should be paid and to discuss their findings with the contractor and/or (2) file a claim under the "Disputes" clause of the contract
6. Copies of this Form 1900-68 should be distributed to the Contracting Officer, Project Officer, RTP Finance, and the applicable Cost Advisory Office.

A. COST SUSPENSION	Date of Notice	Invoice Number
Contracting Officer and/or Project Officer	Name and Title of Authorized Official	Signature

ITEM	Description of Items and Reason for Action. Documentation needed in order to rebill suspended costs.	Amount of Costs

B. REMOVAL OF SUSPENSION	Date of Notice	Invoice Number
Contracting Officer and/or Project Officer	Name and Title of Authorized Official	Signature

ITEM	Description of Items and Reason for Action.	Amount of Costs

C. DISALLOWANCE OF COSTS	Date of Notice	Invoice Number
Contracting Officer	Name and Title of Authorized Official	Signature

ITEM	Description of Items and Reason for Action.	Amount of Costs

CONTRACTOR'S ACKNOWLEDGMENT OF RECEIPT - The contractor or its authorized representative shall acknowledge receipt of this notice to the Project Officer and/or Contracting Officer.

Date of Notice	Name and Title of Authorized Official	Signature

EPA Form 1900-68 (Rev. 03-96)

INSTRUCTIONS FOR EPA FORM 1900-68

When a PO or CO identifies costs in a voucher that are to be suspended or disallowed, the Form 1900-68 is used to identify those costs, the associated reasons and to communicate the action to all necessary parties. Examples of costs that a PO might suspend without CO involvement are: math errors, incorrect rates, and a lack of available funding. Examples of costs that CO involvement would be necessary to suspend or disallow costs include lack of authorization to incur cost, unnecessary costs incurred, and excessive costs. Section A, Cost Suspension, may be filled out by either the CO or PO. The PO and/or CO must fill out the Form 1900-68 explaining the suspended amount, sign and date the Form and send it to the contractor. The contractor must fill out the acknowledgment of receipt on the applicable area on Form 1900-68 and return a copy of it to either the PO or CO who made the suspension. A copy of the Form 1900-68 would go to RTP Finance with the Approval Forms package. Copies of the Form 1900-68 would be filed by PO and/or CO and a copy sent to the applicable Cost Advisory Office for use in interim and final audits.

The Form 1900-68 states that the contractor has 60 days from the date of suspension to respond, or the costs will be considered disallowed and those costs should be transferred to an unallowable account in the contractor's accounting records. If the contractor wishes to respond to the suspension, it must as a minimum furnish documentation specified on the Form 1900-68 for the costs to be considered allowable. The contractor will then resubmit this documentation to the PO and CO for review. Either the CO or PO who originally suspended the costs will consider the documentation and, if it is adequate, they will fill out a revised Form 1900-68 Block B. (Removal of Suspension) for some or all of the costs suspended. Copies of this revised Form 1900-68 would go to the contractor, CO and PO, RTP FMC, and Cost Advisory Office.

The contractor may rebill suspended costs after receiving the Removal of Suspension using a separate invoice and attach the Form 1900-68 Removal of Suspension notice to the invoice. The contractor must then resubmit this bill for payment in accordance with contract invoicing requirements.

If the contractor prepares supporting documentation for suspended costs that the PO deems unacceptable, the PO will notify the CO of this and ask for a final determination on the allowability of the costs. If the CO agrees with the PO, a revised Form 1900-68 with Block C (Disallowance of Costs) should be completed and sent to the contractor instructing the contractor to eliminate such costs on future invoices and to move such costs to unallowable accounts on their accounting records. The contractor must acknowledge receipt of the disallowance notice by signing and returning the notice to the CO. Where the CO processed the suspension, the CO will inform the PO and disallow the cost. Copies of the revised Form 1900-68 should be sent to RTP Finance, the contract file, and the applicable Cost Advisory Office.

OMB Burden Statement

The public reporting and recordkeeping burden for this collection of information is estimated to average two minutes per response, annually. Burden means the total time, effort, and financial resources expended by persons to generate, maintain, retain, or disclose, or provide information to, or for a Federal agency. This includes the time needed to review instructions, develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust to existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review collection of information; and transmit or otherwise disclose the information. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated information collection techniques, to the Director, OPPE Regulatory Information Division, U.S. Environmental Protection Agency (Mail Code 2137), 401 M Street, SW, Washington, DC 20460.

Include the OMB Control Number in any correspondence. Do not send the completed form to this address.

[FR Doc. 96–14463 Filed 6–7–96; 8:45 am]
BILLING CODE 6560–50–C

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 656 and 697

[Docket No. 950915230–6123–03; I.D. 022796D]

RIN 0648–AH57

Atlantic Striped Bass Fishery; Atlantic Coastal Fisheries Cooperative Management; Consolidation and Revision of Regulations

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS consolidates regulations pertaining to the Atlantic striped bass and weakfish fisheries, which are now contained in two CFR parts, into a single part. The consolidated regulations are revised to be more concise, better organized, and easier for the public to use. In addition, certain prohibitions and definitions currently in parts 656 and 697 are removed and replaced by references to general sections of the regulations to achieve conformity and to eliminate unnecessary regulatory text. This action is part of the President's Regulatory Reinvention Initiative.

EFFECTIVE DATE: July 1, 1996.

FOR FURTHER INFORMATION CONTACT: Tom Meyer, (301) 713–2339.

SUPPLEMENTARY INFORMATION:

Pursuant to the Regulatory Reinvention Initiative of the President, this final rule removes 50 CFR 656 (Atlantic striped bass regulations) and revises 50 CFR part 697 (Atlantic coastal fisheries cooperative management regulations) by consolidating into part 697 the regulations previously contained in parts 656 and 697. Duplicative regulatory text previously contained in those parts is eliminated.

Additional background for this rule was contained in the preamble to the proposed rule (61 FR 13811, March 28, 1996). No comments were received.

Classification

This final rule has been determined to be not significant for the purposes of E.O. 12866.

The Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this final rule would not have a significant economic impact on a substantial number of small entities. The reasons were published in the proposed rule (61 FR 13811, March 28, 1996). As a result, a regulatory flexibility analysis was not prepared.

List of Subjects in 50 CFR Parts 656 and 697

Fisheries, Fishing.

Dated: May 31, 1996.

Gary C. Matlock,

Program Management Officer, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR chapter VI is amended as follows:

CHAPTER VI—FISHERY CONSERVATION AND MANAGEMENT, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 656—[REMOVED]

1. Part 656, under the authority of 16 U.S.C. 1851 note, is removed.

2. Part 697 is revised to read as follows:

PART 697—ATLANTIC COASTAL FISHERIES COOPERATIVE MANAGEMENT

Sec.

Authority: 16 U.S.C. 1851 note, 5101 *et seq.*

§ 697.1 Purpose and scope.

The regulations in this part implement section 804(b) of the Atlantic Coastal Fisheries Cooperative Management Act, 16 U.S.C. 5101 *et seq.*, and section 6 of the Atlantic Striped Bass Conservation Act Appropriations Authorization, 16 U.S.C. 1851 note, and govern fishing in the EEZ on the Atlantic Coast for species covered by those acts.

§ 697.2 Definitions.

In addition to the definitions in § 600.10 of this chapter, the terms in this part have the following meanings:

Atlantic striped bass means members of stocks or populations of the species *Morone saxatilis* found in the waters of the Atlantic Ocean north of Key West, FL.

Block Island Southeast Light means the aid to navigation light located at Southeast Point, Block Island, RI, and defined as follows: Located at 40°09.2′N. lat., 71°33.1′W. long; is 201 ft (61.3 m) above the water; and is shown from a brick octagonal tower 67 ft (20.4 m) high attached to a dwelling on the southeast point of Block Island, RI.

Continuous transit means that a vessel remains continuously underway while in the EEZ.

Fish, when used as a verb, for the purposes of this part, means any activity that involves:

(1) The catching, taking, or harvesting of fish;

(2) The attempted catching, taking, or harvesting of fish;

(3) Any other activity that can reasonably be expected to result in the catching, taking, or harvesting of fish; or

(4) Any operations at sea in support or, or in preparation for, any activity described in paragraph (1), (2), or (3) of this definition.

Land means to begin offloading fish, to offload fish, or to enter port with fish.

Montauk Light means the aid to navigation light located at Montauk Point, NY, and defined as follows: Located at 41°04.3′N. lat., 71°51.5′W. long.; is shown from an octagonal, pyramidal tower, 108 ft (32.9 m) high; and has a covered way to a dwelling.

Point Judith Light means the aid to navigation light located at Point Judith, RI, and defined as follows: Located at 41°21.7′N. lat., 71°28.9′W. long.; is 65 ft (19.8 m) above the water; and is shown from an octagonal tower 51 ft (15.5 m) high.

Retain means to fail to return Atlantic striped bass or weakfish to the sea immediately after the hook has been removed or the fish has otherwise been released from the capture gear. *Weakfish* means members of the stock or population of the species *Cynoscion regalis*, found along the Atlantic coast from southern Florida to Massachusetts Bay.

§ 697.3 Relation to the Magnuson Act.

The provisions of sections 307 through 311 of the Magnuson Act, as amended, regarding prohibited acts, civil penalties, criminal offenses, civil forfeitures, and enforcement apply with respect to the regulations in this part, as if the regulations in this part were issued under the Magnuson Act.

§ 697.4 Civil procedures.

The civil procedure regulations at 15 CFR part 904 apply to civil penalties, permit sanctions, seizures, and forfeitures under the Atlantic Striped Bass Act and the Atlantic Coastal Act, and the regulations in this part.

§ 697.5 Specifically authorized activities.

NMFS may authorize, for the acquisition of information and data,

activities that are otherwise prohibited by the regulations in this part.

§ 697.6 Prohibitions.

(a) *Atlantic Coast weakfish fishery*. In addition to the prohibitions set forth in § 600.725, the following prohibitions apply. It is unlawful for any person to do any of the following:

(1) Fish for weakfish in the EEZ.

(2) Harvest any weakfish from the EEZ.

(3) Possess any weakfish in or from the EEZ.

(4) Fail to return to the water immediately, with the least possible injury, any weakfish taken within the EEZ.

(b) *Atlantic striped bass fishery*. It is unlawful for any person to do any of the following:

(1) Fish for Atlantic striped bass in the EEZ.

(2) Harvest any Atlantic striped bass from the EEZ.

(3) Possess any Atlantic striped bass in or from the EEZ, except for the following area: The EEZ within Block Island Sound, north of a line connecting Montauk Light, Montauk Point, NY, and Block Island Southeast Light, Block Island, RI; and west of a line connecting Point Judith Light, Point Judith, RI, and Block Island Southeast Light, Block Island, RI. Within this area, possession of Atlantic striped bass is permitted, provided no fishing takes place from the vessel while in the EEZ and the vessel is in continuous transit.

(4) Fail to return to the water immediately, with the least possible injury, any Atlantic striped bass taken within the EEZ.

[FR Doc. 96–14165 Filed 6–7–96; 8:45 am]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 61, No. 112
Monday, June 10, 1996

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 273

[INS No. 1697–95]

RIN 1115–AD97

Screening Requirements of Carriers

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Proposed rule.

SUMMARY: This rule proposes to amend the Immigration and Naturalization Service (''the Service'') regulations by establishing procedures carriers must undertake for the proper screening of passengers at the ports of embarkation to become eligible for a reduction, refund, or waiver of a fine imposed under section 273 of the Immigration and Nationality Act (the Act). This rule is necessary to enable the Service to reduce, refund, or waive fines for carriers that have taken appropriate measures to properly screen passengers being transported to the United States, while continuing to impose financial penalties against those carriers that fail to properly screen passengers.

DATES: Written comments must be submitted on or before August 9, 1996.

ADDRESSES: Please submit written comments, in triplicate, to the Director, Policy Directives and Instructions, Immigration and Naturalization Service, 425 I Street, NW., Room 5307, Washington, DC 20536, Attention Public Comment Clerk. Please include INS number 1697–95 on your correspondence to ensure proper and timely handling. Also include any written comments you may have concerning the proposed Memorandum of Understanding (MOU) and fines levels that are included as an appendix to this proposed rule. Comments are available for public inspection at the above address by calling 202–514–3048, to arrange for an appointment.

FOR FURTHER INFORMATION CONTACT: Robert F. Hutnick, Assistant Chief Inspector, Immigration and Naturalization Service, 425 I Street, NW., Room 7216, Washington, DC 20536, telephone number (202) 616–7499.

SUPPLEMENTARY INFORMATION:

Background

The imposition of administrative fines has long been an important tool in enforcing the United States immigration laws and safeguarding its borders. Both section 273 of the Act and prior law reflect a similar Congressional purpose to compel carriers, under pain of penalties, to ensure enforcement of, and compliance with, certain provisions of the immigration laws. In enacting both section 273 of the Act of 1952 and section 16 of the Immigration Act of 1924 (the precursor to section 273(a) of the Act of 1952), Congress intended to make the carrier ensure compliance with the requirements of the law. The carriers have long sought relief from fines by having the Service consider extenuating circumstances related to the imposition of fines.

Prior to the enactment of section 209(a)(6) of the Immigration and Nationality Technical Corrections Act of 1994, Public Law 103–416, dated October 25, 1994, the Service, by statute, was not permitted to reduce, refund, or waive fines imposed under section 273 of the Act except pursuant to section 273(c) of the Act where the carrier could, to the satisfaction of the Attorney General, demonstrate that it did not know, and could not have ascertained by the exercise of reasonable diligence, that the individual transported was an alien and that a valid passport or visa was required.

This proposed rule provides procedures carriers must undertake for the proper screening of aliens at the port of embarkation to become eligible for reduction, refund, or waiver of a fine imposed under section 273 of the Act. Nevertheless, it is important to note that these are voluntary procedures for carriers. This proposed rule further prescribes conditions the Service will consider before reducing, refunding, or waiving a fine. Of primary importance will be the carrier's performance in screening passengers. The Service will determine a carrier's performance record by analyzing statistics on the number of improperly documented passengers transported to the United States by each carrier compared to the number of alien passengers transported.

This proposed rule will enable the Service to reduce, refund, or waive a fine imposed under section 273 of the Act for a carrier that demonstrates successful screening procedures by achieving satisfactory performance in the transportation of properly documented aliens to the United States. This will enable the Service to reduce, refund, or waive fines for carriers that have taken appropriate measures to properly screen passengers while continuing to impose financial penalties on carriers that fail to properly screen passengers. It is important to note that the proposed rule does not impose any additional standards on the carriers. Carriers are free to observe current fines procedures.

The Service wishes to maintain flexibility in assessing the success of a carrier's screening procedures. The Service has devised an initial means of measurement, as set forth in the following paragraphs, but will re-examine this strategy if such re-examination is appropriate. The Service is committed to working with the carriers and will consult with them on any contemplated changes in the method of assessment. This methodology described, therefore, is not included in the regulatory language.

Under the proposed methodology, a carrier's performance level (PL) will be determined by taking the number of each carrier's nonimmigrant violations of section 273 of the Act for a fiscal year and dividing this by the number of documented nonimmigrants transported by the carrier and multiplying the result by 1000.

The Service shall establish an Acceptable Performance Level (APL), based on statistical analysis of the performance of all carriers, as a means of evaluating whether the carrier has successfully screened all of its passengers in accordance with 8 CFR 273.3. The APL shall be determined by taking the total number of all carrier nonimmigrant violations of section 273 of the Act for a fiscal year and dividing this by the total number of documented nonimmigrants transported by all carriers for the same fiscal year and multiplying the result by 1000.

The Service shall establish a Second Acceptable Performance Level (APL2),

based on statistical analysis of the performance of all carriers at or better than the APL, as a means of further evaluating carrier success in screening its passengers in accordance with 8 CFR 273.3. Using carrier statistics for only those carriers which are at or better than the APL, the APL2 shall be determined by taking the total number of these carrier nonimmigrant violations of section 273 of the Act for a fiscal year and dividing by the total number of documented nonimmigrants transported by these carriers for the same fiscal year and multiplying the result by 1000.

Carriers which have achieved a satisfactory PL at or better than the APL, as determined by the Service, will be eligible for a 25 percent fine reduction in the amount of any fine covered by this provision if the carrier applies for a reduction, refund, or waiver of fines according to the procedures listed in 8 CFR 280.12 and 8 CFR 280.51. Carriers which have achieved a satisfactory PL at or better than the APL2, as determined by the Service, will be eligible for a 50 percent fine reduction in the amount of any fine covered by this provision if the carrier applies for a reduction, refund, or waiver of fines according to the procedures listed in 8 CFR 280.12 and 8 CFR 280.51. Additional factors the Service will consider in determining whether the Service will reduce, refund, or waive a fine under section 273 of the Act and the amount of such reduction, refund, or waiver are the carrier's history of fines violations, including fines, liquidated damages, and user fee payment records and the existence of any extenuating circumstances. In the future, the Service may consider other factors in evaluating carrier performance including participation in data sharing initiatives or evaluation of a carrier's performance by particular port(s) of embarkation and/or route(s) to determine carrier fines mitigation levels.

To maintain flexibility in determining the success of a carrier's screening procedures, the Service proposes to include in the regulation neither the methodology it will use in determining a carrier's PL, the APL, or the APL2 nor the fines reduction percentage levels. Both the methodology in determining the success of a carrier's screening procedures and the fines reduction percentages will be periodically revisited by the Service to maximize carrier cooperation and vigilance in their screening procedures. The Service shall compute all carrier PLs, the APL, and the APL2 periodically but shall retain the flexibility to use a past APL or APL2, if appropriate, in determining carrier fines reduction, refunds, or waivers for a specific period(s). The Service will publish any significant, adverse changes regarding fines reduction in the Federal Register in accordance the Administrative Procedure Act (APA) prior to implementation. Maintaining a flexible approach allows the Service to work in partnership with the carriers toward the mutual goal of decreasing the number of improperly documented nonimmigrants transported to the United States.

Carriers may elect to sign a Memorandum of Understanding (MOU) with the Service for the broader application of the reduction, refund, or waiver of fines imposed under section 273 of the Act by agreeing to perform additional measures to intercept improperly documented aliens at ports of embarkation to the United States. Carriers performing these additional measures to the satisfaction of the Commissioner would be eligible for *automatic* fine reductions, refunds, or waivers as prescribed in the MOU. Carriers signatory to the MOU with the Service would be eligible for an automatic fine reduction of 25 or 50 percent depending on whether a carrier's PL is at or better than the APL or APL2 respectively, as determined by the Service. Carriers not signatory to an MOU would not be eligible for automatic fine reductions, refunds, or waivers. Nevertheless, this rule does not preclude any carrier, whether or not signatory to the MOU, from requesting fines reduction, refund, or waiver according to the procedures listed in 8 CFR 280.12 and 8 CFR 280.51. Additionaly, if the carrier's PL is not at or better than the APL, the carrier may receive an automatic fine reduction of 25 percent, if it meets certain conditions, including: (1) It is signatory to and in compliance with the MOU; (2) it submits evidence that it has taken extensive measures to prevent the transport of improperly documented passengers to the United States. This evidence shall be submitted to the Assistant Commissioner for Inspections for consideration. Evidence may include, but is not limited to, the following: (a) Information regarding the carrier's document screening training program, including attendance of the carrier's personnel in any Service, Department of State, or other training programs, the number of employees trained, and a description of the training program; (b) information regarding the date and number of improperly documented aliens intercepted by the carrier at the port(s) of embarkation, including, but not limited to, the alien's name, date of birth, passport nationality, passport number, other travel document information, reason boarding was refused, and port of embarkation; and, (c) any other evidence to demonstrate the carrier's efforts to properly screen passengers destined for the United States; and (3) it appears to the satisfaction of the Assistant Commissioner for Inspections that other Service data and information, including the carrier's PL, indicate the carrier has made a good faith effort to improve screening of its passengers. The proposed MOU is attached as an appendix to this proposed rule.

The levels for fines mitigation are loosely based on the Canadian fines mitigation system. Based on performance levels of the carriers, the Canadian system provides for an automatic fines reduction of 25 percent upon the carrier signing an MOU with the Canadian Government. Through attaining performance standards established in the Canadian MOU, carriers can earn further reductions of 50, 75, or 100 percent of their fines.

This rule further clarifies fines imposed under section 273(d) of the Act by stating that provisions of section 273(e) of the Act do not apply to any fine imposed under section 273(d) of the Act, nor under any provisions other than sections 273(a) and (b) of the Act.

Regulatory Flexibility Act

The Commissioner of the Immigration and Naturalization Service, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that the rule will not have significant economic impact on a substantial number of small entities. This rule merely removes any ambiguity between the current regulations and section 273 of the Act.

Executive Order 12866

This rule is considered by the Department of Justice, Immigration and Naturalization Service, to be a ''significant regulatory action'' under Executive Order 12866, section 3(f), Regulatory Planning and Review, and has been submitted to the Office of Management and Budget for review under E.O. 12866.

Executive Order 12612

The regulation proposed herein will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this rule does not have sufficient federalism implications

to warrant the preparation of a Federalism Assessment.

List of Subjects in 8 CFR Part 273

Administrative practice and procedure, Aliens, Carriers, Penalties.

Accordingly, chapter I of title 8 of the Code of Federal Regulations is proposed to be amended by adding a new part 273 as follows:

PART 273—CARRIER RESPONSIBILITIES AT FOREIGN PORTS OF EMBARKATION; REDUCING, REFUNDING, OR WAIVING FINES UNDER SECTION 273 OF THE ACT

Sec.
273.1 General.
273.2 Definition.
273.3 Screening procedures.
273.4 Demonstration by carrier that screening requirements were met.
273.5 General criteria used for reduction, refund, or waiver of fines.
273.6 Memorandum of Understanding.

Authority: 8 U.S.C. 1103, 1323; 8 CFR part 2.

§ 273.1 General.

In any fines case in which a fine is imposed under section 273 of the Act involving an alien brought to the United States after December 24, 1994, the carrier may seek a reduction, refund, or waiver of fine, as provided for by section 273(e) of the Act, in accordance with this part. The provisions of section 273(e) of the Act and of this part do not apply to any fine imposed under section 273(d) of the Act, nor under any provision other than sections 273(a) and (b) of the Act.

§ 273.2 Definition.

As used in this part, the term *Carrier* means an individual or organization engaged in transporting passengers or goods for hire to the United States.

§ 273.3 Screening procedures.

(a) *Applicability.* The terms and conditions contained in paragraph (b) of this section apply to those owners, operators, or agents of carriers which transport passengers to the United States.

(b) *Procedures at ports of embarkation.* At each port of embarkation carriers shall ensure that adequate steps are taken to prevent the boarding of improperly documented aliens destined to the United States by implementing the following procedures:

(1) Screening passengers by carrier personnel prior to boarding and examining their travel documents to ensure that:

(i) The passport or travel document presented is not expired and is valid for entry into the United States;

(ii) The passenger is the rightful holder; and

(iii) If the passenger requires a visa, that the visa is valid for the holder and any other accompanying passengers named in the passport.

(2) Refusing to board any passenger determined to be improperly documented. Failure to refuse boarding when advised to do so by a Service or Consular Officer may be considered by the Service as a factor in its evaluation of applications under § 273.5.

(3) Implementing additional safeguards such as, but not necessarily limited to, the following:

(i) For instances in which the carrier suspects fraud, assessing the adequacy of the documents presented by asking additional, pertinent questions or by taking other appropriate steps to corroborate the identity of passengers, such as requesting secondary identification.

(ii) Conducting a second check of passenger documents, when necessary at high-risk ports of embarkation, at the time of boarding to verify that all passengers are properly documented consistent with paragraph (b)(1) of this section. This includes a recheck of documents at the final foreign port of embarkation for all passengers including those originally boarded at a prior stop or who are being transported to the United States under the Transit Without Visa (TWOV) or In-Transit Lounge (ITL) Programs.

(iii) Providing an adequate level of security during the boarding process so that passengers are unable to circumvent any carrier document checks.

§ 273.4 Demonstration by carrier that screening requirements were met.

(a) To be eligible to apply for reduction, refund, or waiver of a fine, the carrier shall provide evidence that it screened all passengers on the conveyance for the instant flight or voyage in accordance with the procedures listed in § 273.3

(b) The Service may, at any time, conduct an inspection of a carrier's document screening procedures at ports of embarkation to determine compliance with the procedures listed in § 273.3. If the carrier's port of embarkation operation is found not to be in compliance, the carrier will be notified by the Service that its fines will not be eligible for refund, reduction, or waiver of fines under section 273(e) of the Act unless the carrier can establish that lack of compliance was beyond the carrier's control.

§ 273.5 General criteria used for reduction, refund, or waiver of fines.

(a) Upon application by the carrier, the Service shall determine whether circumstances exist which would justify a reduction, refund, or waiver of fines pursuant to section 273(e) of the Act.

(b) Applications for reduction, refund, or waiver of fine under section 273(e) of the Act shall be made in accordance with the procedures outlined in 8 CFR 280.12 and 8 CFR 280.51.

(c) In determining the amount of the fine reduction, refund, or waiver, the Service shall consider:

(1) The effectiveness of the carrier's screening procedures;

(2) The carrier's history of fines violations, including fines, liquidated damages, and user fee payment records; and,

(3) The existence of any extenuating circumstances.

§ 273.6 Memorandum of Understanding.

(a) Carriers may apply to enter into a Memorandum of Understanding (MOU) with the Service for an automatic reduction, refund, or waiver of fines imposed under section 273 of the Act.

(b) Carriers signatory to an MOU will to be required to apply for reduction, refund, or waiver of fines in accordance with the procedures outlined in 8 CFR 280.12 and 8 CFR 280.51, but will follow procedures as set forth in the MOU.

(c) Carriers signatory to an MOU will have fines reduced, refunded, or waived according to performance standards enumerated in the MOU or as determined by the Service.

(d) Carriers signatory to an MOU are not precluded from seeking additional reduction, refund, or waiver of fines in accordance with the procedures outlined in 8 CFR 280.12 and 8 CFR 280.51.

Dated: May 29, 1996.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

Note: The appendixes A and B will not appear in the Code of Federal Regulations.

Appendix A—United States Immigration and Naturalization Service Section 273(E) Memorandum of Understanding

This voluntary Memorandum of Understanding (MOU) is made between _____ (hereafter referred to as the ''Carrier'') and the United States Immigration and Naturalization Service (hereafter referred to as the ''INS'').

The purpose of this MOU is to identify the undertakings of each party to improve the performance of the Carrier with respect to its

duty under section 273 of the Immigration and Nationality Act (the Act) to prevent the transport of improperly documented aliens to the United States. Based on the Carrier's Performance Level (PL) in comparison to the Acceptable Performance Level (APL) or Second APL (APL2) set by the INS, and based upon compliance with the other stipulations outlined in the MOU, the INS may refund, reduce or waive a part of the Carrier's section 273 of the Act administrative penalties.

The MOU cannot, by law, exempt the Carrier from liability for civil penalties. Although taking the steps set forth below will not relieve the Carrier of liability from penalties, the extent to which the Carrier has complied with this MOU will be considered as a factor in cases where the INS may reduce, refund, or waive a fine.

It is understood and agreed by the parties that this MOU is not intended to be legally enforceable by either party. No claims, liabilities, or rights shall arise from or with respect to this MOU except as provided for in the Act or the Code of Federal Regulations. Nothing in this MOU relieves the Carrier of any responsibilities with respect to United States laws, the Act, or the Code of Federal Regulations.

This document, once jointly endorsed, will serve as a working agreement to be utilized for all fines cases relating to section 273 of the Act, and reflects the mutual understanding of the Carrier and the INS. This MOU shall take effect immediately upon its approval by the Assistant Commissioner for Inspections and shall be a valid working document for three years from such date.

The Carrier's compliance with the MOU shall be evaluated periodically. The Carrier shall be notified in writing of its PL and the overall APL for each rating period. Accordingly, the Carrier agrees to begin prompt and complete implementation of all of the terms listed in this MOU. The INS may terminate this MOU for the Carrier's failure to abide by its terms. Either party may terminate this MOU, for any reasons, with 30 days written notice. Any subsequent fines will be imposed for the full penalty amount.

Appendix B—Memorandum of Understanding

1. Introduction

1.1 The Assistant Commissioner for Inspections shall exercise oversight regarding the Carrier's compliance with this MOU.

1.2 The Carrier agrees to begin implementation of the provisions set forth below immediately upon receipt of the MOU signed by the Assistant Commissioner for Inspections.

1.3 The Carrier agrees to permit the INS to monitor its compliance with the terms of this MOU. The Carrier shall permit the INS to conduct an inspection of the Carrier's document screening procedures at ports of embarkation before arrival in the United States, to determine compliance with the procedures listed in this MOU.

1.4 The Carrier agrees to designate a coordinator to be the contact point for all issues arising from the implementation of this MOU. The Carrier shall provide the INS with the coordinator's name, title, address, telephone and facsimile number.

1.5 The Carrier shall require that all of its employees, including its representatives, follow the stipulations of this MOU, and comply with all requirements of the Act. The Carrier also agrees to cooperate with the INS by facilitating an open exchange of information.

2. Prompt Payment

2.1 The INS agrees to authorize a reduction in fine penalties based on compliance with this MOU only if the Carrier has paid all administrative fines, liquidated damages and user fees. This includes interest and penalties that have been imposed by either a formal order or final decision, except cases on appeal.

2.2 The Carrier agrees to promptly pay all administrative fines, liquidated damages and user fees. This includes interest and penalties that are imposed by a formal order or a final decision during the time this MOU is in effect, except cases on appeal. Prompt payment for the purposes of this MOU refers to payments made within 30 days from the date of billing.

2.3 The INS shall periodically review the Carrier's record of prompt payment for administrative fines, liquidated damages, and user fees including interest and penalties. Failure to make prompt payment will result in the loss of benefits of the MOU for the subsequent period.

2.4 The Carrier agrees to select a person from its organization as a contact point with the INS Office of Finance for the resolution of payment issues. The Carrier shall provide the INS with the contact person's name, title, address, telephone and facsimile number.

3. Carrier Agreement

3.1 The Carrier shall refuse to carry any improperly documented passenger.

3.2 The Carrier agrees to verify that trained personnel examine and screen passengers' travel documents to verify that the passport, visa (if one is required) or other travel documents presented are valid and unexpired, and that the passenger, and any accompanying passenger named in the passport, is the rightful holder of the document.

3.3 The Carrier agrees to conduct additional document checks when deemed appropriate, to verify that all passengers, including transit passengers, are in possession of their own, and proper, travel documents as they board the aircraft, and to identify any fraudulent documents.

3.4 The Carrier agrees to permit INS and State Department Consular officials to screen passengers' travel documents before or after the Carrier has screened those passengers for boarding, when permitted by competent local authorities.

3.5 In cases involving suspected fraud the Carrier shall assess the adequacy of the documents presented by questioning individuals or by taking other appropriate steps to corroborate the identity of the passengers, such as requesting secondary identification.

3.6 The Carrier shall refuse to knowingly transport any individual who has been determined by an INS official not to be in possession of proper documentation to enter or pass through the United States. Transporting any improperly documented passenger so identified may result in a civil penalty. At locations where there is no INS presence, carriers may request State Department Consular officials to examine and advise on authenticity of passenger documentation. State Department Consular officials will act in an advisory capacity only.

3.7 Where the Carrier has refused to board a passenger based on a suspicion of fraud or other lack of proper documentation, the Carrier agrees to make every effort to notify other carriers at that port of embarkation.

3.8 The Carrier shall maintain an adequate level of security designed to prevent passengers from circumventing any Carrier document checks. The Carrier shall also maintain an adequate level of security designed to prevent stowaways from boarding the Carrier's aircraft or vessel.

3.9 The Carrier agrees to participate in INS training programs and utilize INS Information Guides and other information provided by the INS to assist the Carrier in determining documentary requirements and detecting fraud.

3.10 The Carrier agrees to make the INS Information Guides and other information provided by the INS readily available for use by Carrier personnel, at every port of embarkation.

3.11 The Carrier agrees to make appropriate use of technological aids in screening documents including ultra violet lights, magnification devices, or other equipment identified by the INS to screen documents.

3.12 The Carrier agrees to expeditiously respond to written requests from the appropriate INS official(s) for information pertaining to the identify, itinerary and seating arrangements of individual passengers. The Carrier also agrees to provide manifests and other information, when permitted by local law, required to identify passengers, information and evidence regarding the identity and method of concealment of a stowaway, and information regarding any organized alien smuggling activity.

3.13 Upon arrival at a Port-of-Entry (POE) and prior to inspection, the Carrier agrees to notify INS personnel at the POE of any unusual circumstances, incidents, or problems at the port of embarkation involving the transportation of improperly documented aliens to the United States.

4. INS Agreement

4.1 The INS agrees to develop an Information Guide to be used by Carrier personnel at all ports of embarkation before the United States. The Information Guide will function as a resource to assist Carrier personnel in determining proper documentary requirements and detecting fraud.

4.2 The INS agrees to develop a formal, continuing training program to assist carriers in their screening of passengers. Carriers may provide input to the INS concerning specific training needs that they have identified. Initial and annual refresher training will be conducted by the INS or Carrier representatives trained by the INS.

4.3 To the extent possible, INS and State Department Consular officials will consult, support, and assist the Carrier's efforts to screen passengers prior to boarding.

4.4 The INS shall determine each Carrier's Performance Level (PL) based on statistical analysis of the Carrier's performance, as a means of evaluating whether the Carrier has successfully screened all of its passengers in accordance with 8 CFR 273.3 and this MOU. The PL is determined by taking the number of each Carrier's violations of section 273 of the Act for a fiscal year [1] and dividing this by the number of documented nonimmigrants (i.e., those nonimmigrants that submit an Arrival/Departure Record, Form I–94, I–94T, or I–94W) transported by the Carrier and multiplying the result by 1000.

4.5 The INS shall establish an Acceptable Performance Level (APL), based on statistical analysis of the performance of all carriers, as a means of evaluating whether the Carrier has successfully screened all of its passengers in accordance with 8 CFR 273.3 and this MOU. The APL shall be determined by taking the total number of all carrier violations of section 273 of the Act for a fiscal year [1] and dividing this by the total number of documented nonimmigrants (i.e., those nonimmigrants that submit an Arrival/Departure Record, Form I–94, I–94T, or I–94W) transported by all carriers for a fiscal year and multiplying the result by 1000.

4.6 The INS shall establish a Second Acceptable Performance Level (APL2), based on statistical analysis of the performance of all carriers at or better than the APL, as a means of further evaluating carrier success in screening its passengers in accordance with 8 CFR 273.3 and this MOU. Using carrier statistics for only those carriers which are at or better than the APL, the APL2 shall be determined by taking the total number of these carrier violations of section 273 of the Act for a fiscal year [1] and dividing by the total number of documented nonimmigrants (i.e., those nonimmigrants that submit an Arrival/Departure Record, Form I–94, I–94T, or I–94W) transported by these carriers and multiplying the result by 1000.

4.7 The PL, APL, and APL2 may be recalculated periodically as deemed necessary, based on Carrier performance during the previous period(s).

4.8 Carriers whose PL is at or better than the APL are eligible to receive an automatic 25 percent reduction, if signatory to and in compliance with this MOU, on fines imposed under section 273 of the Act for periods determined by the INS.

4.9 Carriers whose PL is at or better than the APL2 are eligible to receive an automatic 50 percent reduction, if signatory to and in compliance with this MOU, on fines imposed under section 273 of the Act for periods determined by the INS.

[1] The total number of carrier violations of section 273 of the Act for a fiscal year is determined by taking the total number of violations minus violations for the transportation of improperly documented lawful permanent residents and rejected cases. Rejected cases include those cases where the INS has determined that either: (1) No fine occurred; or, (2) sufficient evidence was not submitted to support the imposition of a fine.

4.10 If the Carrier's PL is not at or better than the APL, the Carrier may receive an automatic 25 percent reduction in fines, if it meets certain conditions, including being signatory to and in compliance with the MOU and the carrier submits evidence that it has taken extensive measures to prevent the transport of improperly documented passengers to the United States. This evidence shall be submitted to the Assistant Commissioner for Inspections for consideration. Evidence may include, but is not limited to, the following: (1) Information regarding the Carrier's training program, including participation of the Carrier's personnel in any INS, DOS, or other training programs and the number of employees trained; (2) information regarding the date and number of improperly documented aliens intercepted by the Carrier at the port(s) of embarkation, including, but not limited to, the aliens' name, date of birth, passport nationality, passport number or other travel document information, and reason boarding was refused; and (3) other evidence, including screening procedure enhancements, technological or otherwise, to demonstrate the Carriers good faith efforts to properly screen passengers destined to the United States.

4.11 The Carrier may defend against imposition or seek further reduction of an administrative fine if the case is timely defended pursuant to 8 CFR part 280, in response to the Form I–79, Notice of Intent to Fine. The Carrier must establish that extenuating circumstances existed at the time of the violation in order to receive any further reduction in fine penalties.

4.12 Nothing in this MOU precludes a carrier from seeking reduction under 8 CFR 273.4.

_____

(Representative's Signature)

_____

(Title)

_____

(Carrier Name)

Dated: _____

_____

Assistant Commissioner, Office of Inspections, United States Immigration and Naturalization Service

Dated: _____

[FR Doc. 96–14470 Filed 6–7–96; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 161

RIN 1076–AC81

Navajo Partitioned Land Grazing Regulations

AGENCY: Bureau of Indian Affairs, Department of the Interior.

ACTION: Proposed Rule; reopening of comment period and additional request for comments.

SUMMARY: The comment period on the Department's proposed rule to 25 C.F.R. to govern the grazing of livestock on the Navajo Partitioned Land (NPL) of the Navajo-Hopi Former Joint Use Area (FJUA) of the 1882 Executive Order reservation is reopened to provide additional opportunity for public comment. Comments on this issue will be considered along with comments on the proposed rule published in the Federal Register on November 1, 1995.

DATES: Comments on these proposed rules must be submitted September 9, 1996.

ADDRESSES: Send comments to Bureau of Indian Affairs, Division of Water and Land Resources, Mail Stop: 4559–MIB, 1849 C Street, NW., Washington, DC 20240, or telephone number (202) 208–4004.

FOR FURTHER INFORMATION CONTACT: Robert Curley, (602) 871–5151, Ext. 5105, at the Navajo Area Office in Window Rock, Arizona.

SUPPLEMENTARY INFORMATION: The proposed rule was originally published in the Federal Register November 1, 1995 (60 FR 55507). The original comment period ended on January 2, 1996. Since the opening of the comment period considerable input has been received from the Navajo and Hopi Tribes. Due to the remoteness of the location and the inclement weather a large number of Tribal members have not been able to include their written comments. The reopening of this comment period for a period of 90 days will allow for maximum input from the public.

Dated: April 8, 1996.

Ada E. Deer,

Assistant Secretary—Indian Affairs.

[FR Doc. 96–14549 Filed 6–7–96; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 72

RIN 0905–AE70

Additional Requirements for Facilities Transferring or Receiving Select Infectious Agents

AGENCY: Centers for Disease Control and Prevention (CDC), Public Health Service (PHS), Department of Health and Human Services (HHS).

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule is being promulgated in accordance with Section

511 of Public Law 104–132, ''The Antiterrorism and Effective Death Penalty Act of 1996,'' (enacted April 24, 1996) which requires such a proposal be issued within 60 days of enactment and a final rule not later than 120 days of enactment. CDC proposes this rule to place additional shipping and handling requirements on laboratory facilities that transfer or receive select infectious agents capable of causing substantial harm to human health. CDC is concerned about the possibility that the interstate transportation of certain infectious agents could have adverse health consequences for human health and safety. These requirements apply to laboratory facilities such as those operated by government agencies, universities, research institutions, and commercial entities. Those facilities requesting select infectious agents listed in the regulation must register with the Secretary of HHS, or with registering entities authorized by the Secretary, as capable and equipped to handle the select infectious agents in accordance with requirements developed by CDC, the National Institutes for Health (NIH), and the Department of Defense.

DATES: Written comments must be received on or before July 10, 1996. Written comments on the proposed information collection requirements should also be submitted on or before July 10, 1996.

ADDRESSES: Mail written comments to the following address: Lynn Myers, Office of Health and Safety, Centers for Disease Control and Prevention, 1600 Clifton Road, Atlanta, GA 30333; telephone (404) 639–2453 or 639–3235. Mail written comments on the proposed information collection requirements to: Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th Street, NW, rm. 10235, Washington, DC 20503, Attn: Desk Officer for CDC.

Copies: To order copies of the Federal Register containing this document, send your request to: New orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954. Specify the date of the issue requested and enclose a check or money order payable to the Superintendent of Documents, or enclose a Visa or MasterCard number and expiration date. Credit card orders can also be placed by calling the order desk at (202) 512–1800 or by faxing to (202) 512–2250. The cost of each copy is $8.00. As an alternative, you can view and photocopy the Federal Register document at most libraries designated as Federal Depository Libraries and at many other public and private libraries throughout the country that receive the Federal Register.

FOR FURTHER INFORMATION CONTACT: Dr. Stephen Morse, National Center for Infectious Diseases, Centers for Disease Control and Prevention, 1600 Clifton Road, Atlanta, GA 30333; telephone (404) 639–3222.

SUPPLEMENTARY INFORMATION: The current rules found at 42 C.F.R. Part 72 were last updated in 1980 and contain specific requirements for the packaging, labeling, and transport of infectious agents shipped in interstate commerce. That regulation does not currently contain provisions restricting parties who may transfer these agents. This proposed rule is designed to ensure that select infectious agents are not shipped to parties who are not equipped to handle them appropriately, or who otherwise lack proper authorization for their requests, and to implement a system whereby scientists in research institutions may continue transferring and receiving these agents without undue burdens.

I. Background

In recent years, the threat of illegitimate use of infectious agents has attracted increasing interest from the perspective of public health. CDC is concerned about the possibility that the interstate transportation of certain infectious agents could have adverse consequences for human health and safety. CDC has already requested that all those entities that ship dangerous human infectious agents exercise increased vigilance prior to shipment to minimize the risk of illicit access to infectious agents. Of special concern are pathogens and toxins causing anthrax, botulism, brucellosis, plague, Q fever, tularemia, and all agents classified for work at Biosafety level 4.

In particular, CDC has already requested that potential providers of these agents carefully and thoroughly review all requests before transferring these agents. This March, 1996, CDC request for voluntary safeguards has been a first step in strengthening regulatory and statutory protections in this area.

II. Proposed Rule

In accordance with Section 511 of Public Law 104–132, ''The Antiterrorism and Effective Death Penalty Act of 1996,'' CDC is proposing new regulations regarding acquisition and transfer of select infectious agents. These proposed regulations have been developed with input from professional associations, the research community, law enforcement authorities, and concerned members of the public. It is anticipated that most facilities transferring these agents are engaged in activities consisting of interstate commerce, thus subjecting both intrastate and interstate transfers made by such facilities to this regulation. In addition, because these agents have the potential for causing mass destruction or widespread disease in humans, CDC has determined intrastate transfers of these agents from one geographical site to another also pose a risk of potential interstate transmission of disease; therefore, intrastate transfers of these agents are also subject to the regulation. Transfers within a single facility at a single geographical site, however, are not subject to this regulation provided, that the intended use of the agent remains consistent with that specified in the most current transfer form. Facilities that receive select infectious agents are responsible for implementing their own tracking mechanisms of intra-facility transfers of agents within a single geographical site.

The proposed rule is based upon the key principles of ensuring that the public safety is protected without encumbering legitimate scientific and medical research. In addition, the proposed rule focuses on strengthening public-private sector accountability through involvement with professional associations and close coordination with the research community actually handling these agents. Such relationships, combined with expanded federal criminal sanctions, minimize the need for an additional, expansive federal regulatory structure.

Specifically, the rule is designed to:

- collect and provide information concerning the location where certain potentially-hazardous infectious agents are transferred;
- track the acquisition and transfer of these specific infectious agents; and
- establish a process for alerting appropriate authorities if an unauthorized attempt is made to acquire these agents.

The proposed rule is premised upon the following fundamental components: (1) A comprehensive list of select infectious agents; (2) a registration of facilities transferring these agents; (3) transfer requirements; (4) verification procedures including audit, quality control, and accountability mechanisms; (5) agent disposal requirements; and (6) research and clinical exemptions.

III. Select Infectious Agents List

The proposed list of select infectious agents (Appendix A) was originally developed from agents placed on the ''Australia list'' (15 C.F.R. Part 799.1,

Supplement No. 1, Export Control Classification Number 1C61B) of selected infectious agents whose export from the U.S. is controlled due to their capacity for causing substantial harm to human health. After consultation with experts representing affected professional groups, the proposed list now includes those agents provided in Appendix A. CDC will continue consultation with these groups and update the list as necessary. Future updates will be published in the Federal Register for public review and comment. Comments are specifically solicited regarding those agents included or not included on this proposed list.

IV. Registration of Facilities Transferring Select Infectious Agents

Commercial suppliers of these select infectious agents, as well as government agencies, universities, research institutions, individuals and private companies that transfer or obtain these agents, or that wish to work with these agents, must register with the Secretary of HHS or with an organization authorized by the Secretary. Registration requires that a responsible facility official certify that the facility and its laboratory operations meet the biosafety level 2, 3, and/or 4 requirements for working with infectious agents as described in the Third Edition of ''CDC/NIH Biosafety in Microbiological and Biomedical Laboratories.'' Inspection of the facility seeking registration may be required by the Secretary or an organization authorized by the Secretary to determine whether the applicant facility meets the appropriate biosafety level requirements. In return for the certification and a site registration fee, facilities will be issued a unique registration number by the Secretary or the registering entity indicating that the facility is registered to work with these select infectious agents at the prescribed biosafety level. The registration number will then be used to help validate all requests for transfer of these agents.

Registration requests may be denied if the Secretary or the registering entity determines that the applicant facility is not able to comply with any provision of the regulation. Registrations may be withdrawn by the Secretary or registering entity for failure to comply with the regulation or if it is determined that a registered facility can no longer handle agents at the appropriate biosafety level or handles agents in a manner that appears intended to harm the health of humans. Withdrawals and denials will be based upon sufficient evidence in the discretion the Secretary or registering entity. Any withdrawal or denial may be appealed to the Secretary.

V. Transfer Requirements

Prior to transferring one of these select infectious agents, the proposed rule requires both the shipping (transferor) and receiving (requestor) parties to initiate completion of an approved transfer form. Completion of the form is finalized when the requestor acknowledges receipt of the requested agent. The form includes the list of these restricted agents and requires information about the requestor, transferor, the requesting and transferring facilities, their registration numbers, the restricted agent requested, and the proposed use of the agent. The form must accompany the request or purchase order for obtaining these restricted agents, a copy must be maintained by both the requesting and transferring facility, and a copy must be sent to a designated central repository which would be available to Federal and authorized local law enforcement authorities and other officials authorized by the Secretary. The form could later be used for tracking purposes in case of illegitimate access to these agents. Falsification of this form is a Federal criminal offense.

VI. Verification Procedures

To facilitate the shipment of these select infectious agents, each facility shipping or receiving a covered agent must have a ''responsible facility official.'' This person should be either a biosafety officer, a senior management official of the facility, or both. The responsible facility official should not be the same person as those individuals actually transferring and receiving the agents at the facilities.

The requestor's responsible facility official must sign each request, certifying that the individual researcher requesting the agent is officially affiliated with the facility and that the laboratory meets current CDC/NIH Guidelines for working with the requested agent. The responsible facility official sending the restricted agent is required to verify that the receiving facility holds a currently valid registration number, indicating that the recipient has the required biosafety level capability. Inability to validate the necessary information may result in immediate notification of the appropriate authorities.

After transfer of the agent, receipt must be acknowledged by the recipient to the transferor electronically or telephonically within 24 hours, followed by a paper copy of receipt within 3 business days of receiving the agent. Copies of the completed transfer form must be retained by both the requestor's and transferor's facilities for a period of five (5) years after the date of shipment or for one (1) year after the agents are properly disposed, whichever is longer, and one copy must be sent to the transferor's authorized registering entity for placement in a centralized repository.

VII. Agent Disposal Requirements

The form requires a signed statement that the agents will be stored in accordance with prudent laboratory practices, destroyed after completion of the work, or transferred to an approved repository. Facilities must have in place procedures for the appropriate disposal of agents.

VIII. Research and Clinical Exemptions

In order to provide strains for reference diagnostic and research studies at Biosafety Level 2 facilities, less pathogenic strains of restricted viral agents as described in the CDC/NIH ''Biosafety in Microbiological and biomedical Laboratories'' manual or those specifically mentioned on the new CDC Form EA–101 are exempt from the list of select infectious agents. Toxins for medical use, inactivated for used as vaccines, or preparations for biomedical research use at an LD_{50} for vertebrates of more than 100 nanograms per kilogram of body weight, are exempt. Transfer of clinical specimens for diagnostic and verification purposes is also exempt. However, isolates of these agents from clinical specimens must be destroyed after confirmation or sent to an approved repository after diagnostic procedures are complete. Other than for these purposes, such isolates may not be transferred to another site without using the transfer form and approval by the responsible facility officials.

IX. Criminal and Civil Penalties

Violations of proposed 42 C.F.R. Part 72 are subject to criminal penalties as prescribed in 42 U.S.C. 271 and 18 U.S.C. 3559 and 3571. Specifically, individuals in violation of this rule are subject to a fine of no more than $250,000 or one more year in jail, or both. Violations by organizations are currently subject to a fine no greater than $500,000 per event. A false, fictitious, fraudulent statement or representation on the forms required in the regulation for registration of facilities or for transfers of select agents is subject to a fine or imprisonment for not more than five years, or both, for an individual; and a fine for an organization. 18 U.S.C. 1001, 3517.

X. Public Comment

Public comment is solicited on all aspects of this proposed amendment to the CDC regulation, ''Interstate Shipment of Etiologic Agents,'' 42 C.F.R. Part 72. In addition, CDC solicits comments on the following items:

(1) The list of select infectious agents covered by this proposed rule (see Appendix A);

(2) The names of organizations that would be candidates to be authorized by the Secretary as a ''registering entity'' to determine those facilities that are capable of handling the agents covered by this regulation;

(3) The names and addresses of all facilities with biosafety level capacity that may handle these agents; and

(4) The utility of conducting mandatory preregistration inspections of all applicant facilities versus random or for cause preregistration inspections conducted in the discretion of the registering entity or the Secretary.

(5) The advantages or disadvantages of the Secretary or registering entity sending copies of transfer forms to the applicable state health departments.

We are not able to acknowledge or respond to comments individually. We will consider all comments we receive by the date and time specified in the DATES section of this preamble, and, if we proceed with a subsequent document, we will respond to the comments in the preamble to the document. In addition, all commenters are advised that, pursuant to the Administrative Procedure Act, all information provided to CDC in response to this request for comment will be publicly available.

XI. Analysis of Impacts

A. Review Under Executive Order 12866, Sections 202 and 205 of the Unfunded mandate Reform Act of 1995 (P.L. 104–4), and by the Regulatory Flexibility Act (5 USC 603–605)

The Department has examined the potential impact of this proposed rule as directed by Executive Order 12866, by sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (Public Law 104–4, and by the Regulatory Flexibility Act (5 U.S.C. 603–605).

Executive Order 12866 directs agencies to assess the costs and benefits of available regulatory alternatives, and, when regulation is necessary, to select regulatory approaches that maximize net benefits. This proposed rule is designed to ensure that select infectious agents are not shipped to parties who are not equipped to handle them appropriately or who otherwise lack proper authorization for their requests. The approach selected decentralizes the oversight process for this purpose, imposes minimal administrative costs, and prevents possible serious, harmful effects to public safety and health. (The proposal has been reviewed by the Office of Management and Budget under the terms of the Executive Order.)

The Unfunded Mandates Reform Act of 1995, in sections 202 and 205, requires that agencies prepare several analytic statements before proposing a rule that may result in annual expenditures by State, local and tribal governments, or by the private sector, of $100 million. As any final rule resulting from this proposal would not result in expenditures of this magnitude, such statements are not necessary.

The Regulatory Flexibility Act requires agencies to prepare a regulatory flexibility analysis, describing the impact of the proposed rules on small entities, but also permits agency heads to certify that a proposed rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. The Secretary hereby has determined that this proposed rule would not have such impact, as it would primarily affect large research institutions.

B. Review under the Paperwork Reduction Act of 1995

The proposed rule contains information collection requirements which are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995. The title, description and respondent description of the information collection are shown below with an estimate of the annual reporting burden. Included in the estimate is the time for reviewing instructions, gathering and maintaining the data needed, and completing and reviewing the collection of information. With respect to the following collection of information, CDC invites comments on: (a) Whether the proposed collection of information is necessary for the proper performance of CDC's functions, including whether the information shall have practical utility; (b) the accuracy of CDC's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automatic collection techniques for other forms of information technology.

Title: Additional Requirements for Facilities Transferring or Receiving Select Infectious Agents.

Description: The Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132) authorizes the Secretary of Health and Human Services (HHS) to regulate the transfer of certain infectious agents harmful to humans. The Centers for Disease Control and Prevention (CDC) is the agency within the Department responsible for promulgating this regulation. CDC is proposing a rule designed to ensure that select infectious agents are not shipped to parties who are not equipped to handle them appropriately, or who otherwise lack proper authorization for their requests, and to implement a system whereby scientists in research institutions may continue transferring and receiving these agents without undue burdens. Respondents include laboratory facilities such as those operated by government agencies, universities, research institutions, and commercial entities.

Those facilities requesting select infectious agents listed in the regulation must register with the Secretary of HHS, or with registering entities authorized by the Secretary, as capable and equipped to handle the select infectious agents in accordance with requirements developed by CDC, the National Institutes for Health (NIH) and the Department of Defense.

Title: Additional Requirements for Facilities Transferring or Receiving Select Infectious Agents

Description: The Autiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132) authorizes the Secretary of Health and Human Services (HHS) to regulate the transfer of certain infectious agents harmful to humans. The Centers for Disease Control and Prevention (CDC) is the agency within the Department responsible for promulgating this regulation. CDC is proposing a rule designed to ensure that select infectious agents are not shipped to parties who are not equipped to handle them appropriately, or who otherwise lack proper authorization for their requests, and to implement a system whereby scientists in research institutions may continue transferring and receiving these agents without undue burdens. Respondents include laboratory facilities such as those operated by government agencies, universities, research institutions, and commercial entities.

Those facilities requesting select infectious agents listed in the regulation must register with the Secretary of HHS, or with registering entities authorized by the Secretary, as capable and

equipped to handle the select infectious agents in accordance with requirements developed by CDC, the National Institutes for Health (NIH) and the Department of Defense.

Once registered, facilities must complete a federally-developed form, CDC Form EA-101, for each transfer of an agent covered by this proposed rule. Information on this form will include the name of the requestor and requesting facility, the name of the transferor and transferring facility, the name of the responsible facility official for the transferor and requestor, the requesting facility's registration number, the transferring facility's registration number, the name of the agent(s) being shipped, and the proposed use of the agent. The package is being revised to include the burden for laboratories to register with the Secretary.

Description of Respondents: Commercial suppliers of these select infectious agents, as well as government agencies, universities, research institutions, and private companies that transfer or obtain these agents, or that wish to work with these agents.

ESTIMATED ANNUAL REPORTING BURDEN

CFR section	No. of respondents	Frequency of responses	Total annual responses	Hour per response	Total hours
72.6(a)	1,000	1	1,000	.25	250
72.6(d)	1,000	3	3,000	1.05	3,150
72.6(e)	120	21	2,520	.17	428
72.6(f)	1,000	3	3,000	.11	330
Total					4,158

Reporting or Disclosures: These estimates are an approximation of the average time expected to be necessary for a collection of information. They are based on past experience of respondents reporting such information to CDC. There are no capital costs or operating and maintenance costs for the respondents associated with this information collection.

The agency has submitted a copy of this proposed rule to OMB for its review of these information collection. Interested persons are requested to send comments regarding this information collection, including suggestions for reducing the burden, to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th Street, NW., rm 10235, Washington, DC 20503, Attn: Desk Officer for CDC. Submit written comments on the information collection by July 10, 1996.

List of Subjects in 42 CFR Part 72

Biologics, Packaging and containers, Transportation.

Dated: May 16, 1996.

David Satcher,

Director, Centers for Disease Control and Prevention.

Dated: May 28, 1996.

Donna E. Shalala,

Secretary, Department of Health and Human Services.

For the reasons set out in the preamble, it is proposed to amend 42 CFR Chapter 1 as follows:

PART 72—INTERSTATE SHIPMENT OF ETIOLOGIC AGENTS

1. The authority citation for Part 72 is revised to read as follows:

Authority: 42 U.S.C. 264, 271; 31 U.S.C. 9701; 18 U.S.C. 3559, 3571; Public Law 104–132.

2. Sections 72.6 and 72.7 are added to read as follows:

§ 72.6 Additional requirements for facilities transferring or receiving select infectious agents.

(a) Registration of facilities. (1) Prior to transferring or receiving a select infectious agent listed in Appendix A of this part, a laboratory facility shall register with a registering entity authorized by the Secretary (paragraph (c) of this section) or be approved by the Secretary as equipped and capable of handling the covered agent at Biosafety Level (BSL) 2, 3, or 4, depending on the agent.

(2) Registration will include:

(i) Sufficient information provided by the responsible facility official indicating that the applicant facility, and its laboratory or laboratories, are equipped and capable of handling the agents at BSL 2, 3, or 4, depending upon the agent, and the type of work being performed with the agents;

(ii) Inspection of the applicant facility at the discretion of the Secretary or the registering entity in consultation with the Secretary;

(iii) Issuance by the registering entity of a registration number unique to each facility;

(iv) Collection of a periodic site registration fee by the registering entity or the Secretary. A schedule of fees collected by the Secretary to cover the direct costs (e.g., salaries, equipment, travel) and indirect costs (e.g., rent, telephone service and a proportionate share of management and administration costs) related to administration of this part will be published in the Federal Register and updated annually.

(v) Follow-up inspections of the facility by the registering entity or the Secretary, as appropriate, to ensure the facility continues to meet approved standards and recordkeeping requirements.

(3) Such registration shall remain effective until relinquished by the facility or withdrawn by the Secretary or the registering entity.

(4) The registration may be denied or withdrawn by the registering entity or the Secretary based on:

(i) Evidence that the facility is not or is no longer capable of handling covered agents at the applicable biosafety level;

(ii) Evidence that the facility has handled covered agents in a manner in contravention of the applicable biosafety level requirements;

(iii) Evidence that the facility has or intends to use covered agents in a manner harmful to the health of humans;

(iv) Evidence that the facility has failed to comply with any provisions of this part or has acted in a manner in contravention of this part; or

(v) Failure to pay any required registration fee.

(5) The requirements for BSL–2, 3, and 4 operations pertaining to this section are contained in the CDC/NIH publication, ''Biosafety in Microbiological and Biomedical Laboratories,'' Third Edition, May 1993 which is hereby incorporated by reference. To the extent the document and this part are inconsistent, the part shall control.

(6) Additional specific requirements for handling toxins subject to this part must be met and are found in 32 CFR 627.17 and in The Biological Defense

Safety Program, Technical Safety Requirements (DA Pamphlet 385–69), Subpart C—Operational Requirements.

(b) Appeals. A decision made by the Secretary or a registering entity to deny or withdraw registration of a particular facility may be appealed to the Secretary. An application for appeal must be received by the Secretary no later than 14 days after the appealing party's application for registration was denied or no later than 14 days after the appealing party's registration was withdrawn. The application must clearly identify the issues presented by the appeal and fully explain the appealing party's position with respect to those issues. The Secretary may allow the filing of opposing briefs, informal conferences, or whatever steps the Secretary considers appropriate to fairly resolve the appeal.

(c) Authorized registering entities. (1) The Secretary may authorize a state agency or private entity to register facilities under paragraph (a) of this section, if the Secretary determines that the registering entity's criteria for determining the biosafety standards for facilities handling select infectious agents are consistent with the requirements contained in the CDC/NIH publication ''Biosafety in Microbiological and Biomedical Laboratories,'' Third Edition.

(2) A registering entity shall maintain:

(i) A database of all facilities formerly and currently registered as BSL 2, 3, or 4 capable of working with agents in Appendix A of this part. The database shall include the name and address of the registered facility, the date the facility was registered, the facility's registration number, and the name and phone number of the responsible facility representative. The database shall remain publicly available.

(ii) A copy of each CDC Form EA–101 transmitted by each transferor registered by that registering entity. Such forms shall be made readily accessible to the Secretary and to appropriate federal law enforcement authorities and/or authorized local law enforcement authorities.

(3) In the event the Secretary authorizes more than one registering entity, or if otherwise necessary, the Secretary may require the establishment of a consolidated database to carry out the provisions of paragraph (c)(2) of this section.

(d) Requests for infectious agents. (1) Prior to the transfer of any infectious agent contained in Appendix A, of this part a CDC Form EA–101 must be completed for each transfer sought. As specified in CDC Form EA–101, the information provided must include:

(i) The name of the requestor and requesting facility;

(ii) The name of the transferror and transferring facility;

(iii) The names of the responsible facility officials for both the transferor and requestor;

(iv) The requesting facility's registration number;

(v) The transferring facility's registration number;

(vi) The name of the agent(s) being shipped; and

(vii) The proposed use of the agent(s).

(2) The form must be signed by the transferror and requestor, and the responsible facility officials representing both the transferring and requesting facilities. A copy of the completed CDC From EA–101 must be retained by both transferring and requesting facilities for a period of five (5) years after the date of shipment or for one (1) year after the agents are properly disposed, whichever is longer. All CDC forms EA–101 must be produced upon request to appropriate federal and authorized local law enforcement authorities, officials authorized by the Secretary, and officials of the registering entity.

(e) Verification of registration. (1) Prior to transferring any agent covered by this part, the transferror's responsible facility official must verify with the requestor's responsible facility official, and as appropriate, with the registering entity:

(i) That the requesting facility retains a valid, current registration;

(ii) That the requestor is officially affiliated with the requesting facility; and

(iii) That the proposed use of the agent by the requestor is correctly indicated on CDC Form EA–101.

(2) In the event that any party is unable to verify the information required in paragraph (e)(1) of this section, or there is suspicion that the agent may not be used for the requested purpose, then the party shall immediately notify CDC and the appropriate law enforcement authorities.

(f) Transfer. (1) Upon completion of the CDC Form EA–101 and verification of registration, the transferring facility must ship the agents in accordance with packaging and shipping requirements in this part or other applicable regulations.

(2) The requesting facility's responsible official must acknowledge receipt of the agent telephonically or otherwise electronically within 24 hours of receipt and provide a paper copy of receipt to the transferror within 3 business days of receipt of the agent.

(3) Upon telephonic acknowledgment of receipt of the agent, the transferor shall provide a completed copy of CDC Form EA–101 within 24 hours to the registering entity (holding that facility's registration), in accordance with paragraph (c)(2) of this section for filing in a centralized repository.

(g) Inspections. (1) Registering entities or the Secretary may conduct random or for cause inspections of registered facilities to assure compliance with this part. All CDC forms EA–101 and records deemed relevant by inspecting officials must be produced upon request to authorized personnel conducting these inspections. Inspections may also include review of the mechanisms developed by a facility to track intra-facility transfers not subject to this part as well as the facility's agent disposal procedures.

(2) In addition, the Secretary may conduct inspections of registering entities, and/or any consolidated database established in accordance with paragraph (c)(3) of this section, to assure compliance with this part.

(h) Exemptions. Select infectious agents otherwise covered by this part are exempt from its provisions if:

(1) The agent(s) are less pathogenic strains which can be used for reference diagnostic or verification procedures and/or research studies at BSL–2, or lower, as described in the CDC/NIH publication, ''Biosafety in Microbiological and Biomedical Laboratories,'' Third Edition; or

(2) The agent is part of a clinical specimen intended for diagnostic and/or reference verification purposes. Isolates of covered agents from clinical specimens shall be disposed of in accordance with paragraph (i) of this section after diagnostic procedures have been completed.

(3) The agent is a toxin having an LD_{50} for vertebrates of more than 100 nanograms per kilogram of body weight which is used for legitimate medical purposes or biomedical research or is one of the listed toxins which has been inactivated for use as a vaccine or otherwise detoxified for use in biomedical research procedures.

(i) Agent disposal. (1) Upon termination of the use of the agent, all cultures and stocks of it will be

(i) Securely stored in accordance with prudent laboratory practices,

(ii) Transferred to another registered facility in accordance with this part, or

(iii) Destroyed on-site by autoclaving, incineration, or another recognized sterilization or neutralization process.

(2) When an agent, previously transferred to a facility in accordance with this part, is destroyed, the

responsible facility official must formally notify the registering entity. A copy of such formal notification must be kept on record by the responsible facility official for a period of five (5) years and is subject to paragraph (g) of this section.

(j) Definitions. As used in this section:

Facility means any individual or government agency, university, corporation, company, partnerhship, society, association, firm, or other legal entity located at a single geographical site that may transfer or receive through any means a select infectious agent subject to this part.

Registering entity means an organization or state agency authorized by the Secretary to register facilities as capable of handling select infectious agents at Biosafety Level 2, 3, or 4, depending on the agent, in accordance with the CDC/NIH publication ''Biosafety in Microbiological and Biomedical Laboratories.''

Requestor means any person who receives or seeks to receive through any means a select infectious agent subject to this part from any other person.

Responsible facility official means an official authorized to transfer and receive select infectious agents covered by this part on behalf of the transferor's and/or requestor's facility. This person should be either a biosafety officer, a senior management official of the facility, or both. The responsible facility official should not be an individual who actually transfers or receives an agent at the facility.

Secretary means the Secretary of the Department of Health and Human Services or her or his designee.

Select infectious agent means an agent, virus, bacteria, fungi, rickettsiae or toxin listed in Appendix A of this part. The term also includes genetically modified microorganisms or genetic elements that contain nucleic acid sequences associated with pathogenicity from organisms on Appendix A, and genetically modified microorganisms on Appendix A, and genetically modified microorganisms or genetic elements that contain nucleic acid sequences coding for any of the toxins in Appendix A, or their toxic subunits.

Transfer (a) means the conveyance or movement from a point of origination to a point of destination either

(1) From one state or territory to another or

(2) Entirely within one contiguous state or territory.

(b) The term does not include intra-facility conveyances within a facility located at a single geographical site provided, that the intended use of the agent remains consistent with that specified in the most current transfer form.

Transferor means any person who transfers or seeks to transfer through any means a select infectious agent subject to this part to any other person.

§ 72.7 Penalties.

Individuals in violation of this part are subject to a fine of no more than $250,000 or one year in jail, or both. Violations by organizations are subject to a fine of no more than $500,000 per event. A false, fictitious, or fraudulent statement or representation on the Government forms required in the part for registration of facilities or for transfers of select agents is subject to a fine or imprisonment for not more than five years, or both for an individual; and a fine for an organization.

Appendix A to Part 72—Select Infectious Agents

Viruses

1. Crimean-Congo haemorrhagic fever virus
2. Chikungunya virus
3. Ebola virus
4. Hantaviruses
5. Japanese encephalitis virsus
6. Lassa fever virus
7. Marburg virus
8. Rift Valley fever virus
9. Tick-borne encephalitis viruses
10. Variola major virus (Smallpox virus)
11. Yellow fever virus
12. South American Haemorrhagic fever viruses (Junin, Machupo, Sabia, Guanarito, and those yet to be decribed)
13. Encephalitis viruses (Venezuelan, Western, Eastern)
14. Kyasanur Forest Disease virus

Exemptions: Vaccine strains of these viral agents as described in the third edition of the CDC/NIH ''Biosafety in Microbiological and Biomedical Laboratories'' are exempt.

Bacteria*

1. Bacillus anthracis
2. Brucella abortus, B. melitensis, B. suis
3. Chlamydia psittaci
4. Clostridium botulinum
5. Francisella tularensis
6. Burkholderia (Pseudomonas) mallei
7. Burkholderia (Pseudomonas) pseudomallei
8. Yersinia pestis

Rickettsiae*

1. Coxiella burnetii
2. Rickettsia prowazekii
3. Rickettsia rickettsii

Fungi

1. Histoplasma capsulatum (incl. var duboisii)

Toxins

1. Abrin
2. Botulinum toxins
3. Clostridium perfringens toxin
4. Corynebacterium diphtheriae toxin
5. Cyanginosins
6. Staphylococcal enterotoxins
7. Shigella dysenteriae neurotoxin
8. Ricin
9. Saxitoxin
10. Shigatoxin
11. Tetanus toxin
12. Tetrodotoxin
13. Trichothecene mycotoxins
14. Verrucologen

Exemptions: Toxins for medical use, inactivated for use as vaccines, or toxin preparations for biomedical research use at an LD_{50} for vertebrates of more than 100 nanograms per kilogram body weight (e.g., microbial toxins such as the botulinum toxins, tetanus toxin, diphtheria toxin, and Shigella dysenteriae neurotoxin) are exempt.

Recombinant organisms/molecules

1. Genetically modified microorganisms or genetic elements that contain nucleic acid sequences associated with pathogenicity from organisms on restricted list.
2. Genetically modified microorganisms or genetic elements tht contain nucleic acid sequences coding for any of the toxins on the restricted list, or their toxic subunits.

* The deliberate transfer of a drug resistance trait to microorganisms on this list that are not know to acquire the trait naturally is prohibited by HIH ''Guidelines for Research Involving Recombinant DNA Molecules,'' if such acquisition could compromise the use of the drug to control these disease agents in humans or veterinary medicine.

[FR Doc. 96–14707 Filed 6–7–96; 8:45 am]

BILLING CODE 4160–18–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 76

[CS Docket No. 95–178; FCC 96–197]

Definition of Markets for Purposes of the Cable Television Must-Carry Rules

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comment on transitional mechanisms to facilitate the switch from a local market definition based on Arbitron's ''Areas of Dominant Influence'' (''ADIs'') to one using Nielsen's ''Designated Market Areas'' (''DMAs'') for purposes of the cable television broadcast signal carriage rules. The Commission amended its rules to continue to use Arbitron 1991–1992 ADIs to define local markets for the triennial must-carry/retransmission consent election that must take place by October 1, 1996, and to switch to Nielsen's DMAs beginning with the 1999 election in a *Report and Order* adopted concurrently with the *Further Notice of Proposed Rulemaking* (''*Further NPRM*'') and summarized elsewhere in this issue of the Federal Register. The Commission previously anticipated that updated market lists

would be available coincident with the triennial must-carry/retransmission consent election cycle. However, Arbitron ceased publication of its market lists. The Commission is concerned that a change in market designation procedures will affect a greater number of stations, cable systems, and cable subscribers than would have been affected by simply using a newer ADI market list, as had been contemplated. Thus, the Further NPRM provides an opportunity for the Commission and affected parties to further consider issues related to the transition to a revised definition of local markets. The Further NPRM also requests comment on procedures to refine the Section 614(h) *ad hoc* market modification process in light of the new statutory requirement that the Commission act on such requests within 120 days.

DATES: Comments are due on or before October 31, 1996, and reply comments are due on or before November 15, 1996. Written comments by the public on the proposed and/or modified information collections are due October 31, 1996.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Dorothy Conway, Federal Communications Commission, Room 234, 1919 M Street, NW., Washington, DC 20554, or via the Internet to dconway@fcc.gov.

FOR FURTHER INFORMATION CONTACT: Marcia Glauberman or John Adams, Cable Services Bureau, (202) 418–7200. For additional information concerning the information collections contained in this FNPRM contact Dorothy Conway at 202–418–0217, or via the Internet at dconway@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Further Notice of Proposed Rulemaking*, CS Docket No. 95–178, FCC 96–197 adopted April 25, 1996, and released May 24, 1996. The full text of this decision is available for inspection and copying during normal business hours in the FCC Reference Center (room 239), 1919 M Street, NW, Washington, DC. 20554.

Paperwork Reduction Act

This Report and Order and Further Notice of Proposed Rulemaking may contain either proposed or modified information collections. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public to comment on the information collections contained in this Order/FNPRM, as required by the Paperwork Reduction Act of 1995, Pub. L. 104–13. Public and agency comments are due at the same time as other comments on this FNPRM. Comments should address: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) ways to enhance the quality, utility, and clarity of the information collected; and (c) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

Synopsis of the Further Notice of Proposed Rulemaking

1. The *Further NPRM* solicits additional information and provides parties an opportunity to further consider issues relating to the transition to market designations based on Nielsen's ''Designated Market Areas'' (''DMAs''). It also seeks comment on procedures for refining the section 614(h) *ad hoc* market modification process which allows the Commission to modify the market areas of individual stations and cable systems.

2. Under the signal carriage provisions added to the Communications Act (''Act'') by the Cable Television Consumer Protection and Competition Act of 1992 (''1992 Cable Act''), commercial broadcast television stations are permitted to elect once every three years whether they will be carried by cable systems in their local markets pursuant to the must-carry or retransmission consent rules. Section 614 of the Act, 47 U.S.C. 534, provides that a station electing must-carry status is entitled to insist on carriage of its signal. A station electing retransmission consent as set forth in section 325 of the Act, 47 U.S.C. 325 negotiates a carriage agreement with each cable operator and may be compensated for its station's carriage.

3. For purposes of these carriage rights, a station is considered local on all cable systems located in the same television market as the station. As enacted in 1992, section 614(h)(1)(C) of the Act required, through a cross-reference to a Commission rule dealing with broadcast ownership issues, that a station's market shall be determined using the Arbitron Ratings Company's ''areas of dominant influence'' or ''ADI.'' The rules adopted in 1993 to implement these signal carriage provisions established a mechanism for determining a station's local market for each must-carry/retransmission consent cycle based on ADI market lists. For the initial election in 1993, Arbitron's *1991–1992 Television ADI Market Guide* was used to define local markets and for each subsequent election cycle an updated ADI market list was to be used.

4. However, since we established these procedures, Arbitron left the television research business and the market list specified in the rules for this year's election is unavailable. Congress also recognized that Arbitron no longer publishes television market lists and the Telecommunications Act of 1996 (''1996 Act''), Pub. L. 104–104, 110 Stat. 56 (1996), amended the definition of local market that referenced ADIs. Specifically, Section 614(h)(1)(C) of the Act was amended by Section 301 of the 1996 Act to provide that for purposes of applying the mandatory carriage provisions, a broadcasting station's market shall be determined ''by the Commission by regulation or order using, where available, commercial publications which delineate television markets based on viewing patterns * * *.''

5. In addition, section 614(h) of the Act requires the Commission to consider petitions for market modifications to add communities to or exclude communities from a station's local market based on historical carriage, signal coverage, local service, and viewing patterns. The 1996 Act modified this provision to require the Commission to act on all petitions for market modifications within 120 days.

6. Prior to the 1996 Act, but consistent with its amended definition of local market, we issued the *Notice of Proposed Rulemaking* (''NPRM'') in this proceeding, summarized at 61 FR 1888 (January 24, 1996), seeking comment on three proposals for revising the mechanism for determining local markets. First, the Commission could substitute Nielsen Media Research's ''designated market areas'' or ''DMAs'' for Arbitron's ADIs. While similar in many ways, the differences between DMA and ADI market areas could result in a change in the area in which a station can insist on carriage rights and a change in the stations that a cable system is required to carry. The second option would be to continue to use Arbitron's *1991–1992 Television ADI Market Guide* to define market areas, subject to individual review and refinement through the section 614(h) process. Under this option, the local market definition would remain unchanged, subject only to future individual market modifications. A third proposal would be to retain the existing market definitions for the 1996

election period and switch to a Nielsen based standard for subsequent elections.

7. In this *Further Notice of Proposed Rulemaking,* we seek comment on mechanisms for facilitating the transition from a market definition system based on ADIs to one based on DMAs. We believe it will be useful to consider various means of easing the difficulties that may be associated with what, as the comments indicate, will be changes in the carriage requirements applicable to many cable operators and broadcasters. These changes potentially affect mandatory carriage rights, channel positioning obligations, retransmission consent negotiations, copyright payments, the expectations of cable subscribers, programming contracts, and even the physical layout and construction of cable plant and operations. Thus, by this *Further NPRM,* we seek specific suggestions that would assist in this transition process. In particular, we ask commenters to consider whether special provisions should be made for particular types of stations or systems to minimize the disruptions that could occur due to a switch to DMAs.

8. The *Further NPRM* also requests comment on the consequences of a shift in definitions on the more particularized market boundary redefinition process contained in section 614(h) of the statute, the decisions that have been made under that section, and the proceedings under it that would result from shifting market definitions. We seek specific comment on what changes in the modification process might be warranted given that administrative resources available to process section 614(h) requests are limited and the 1996 Act establishes a 120-day time period for action on these petitions. Under the existing process, a party is free to make its case using whatever evidence it deems appropriate. One means of expediting the modification process might be to establish specific evidentiary requirements in order to support market modification petitions under section 614(h) of the Act and § 76.59 of the rules. Therefore, in the *Further NPRM,* we propose several specific information submission requirements and seek comment on these and other alternatives that parties believe will assist the Commission in its review of individual requests.

9. A second potential means of increasing the efficiency of the decision making process with respect to market modification petitions would be to alter to some extent the burden of producing the relevant evidence. In particular, we seek comment on whether the process could be expedited by permitting the party seeking the modification to establish a *prima facie* case based on historical carriage, technical signal coverage of the area in question, and off-air viewing, which could then trigger an obligation on the part of any objecting entity to complete the factual record by presenting conflicting evidence as to the actual economic market involved.

Initial Regulatory Flexibility Analysis

10. Pursuant to section 603 of the Regulatory Flexibility Act, the Commission has prepared the following initial regulatory flexibility analysis (''IRFA'') of the expected impact of these proposed policies and rules on small entities. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the *Further NPRM,* but they must have a separate and distinct heading designating them as responses to the IRFA. The Secretary shall cause a copy of the *Further NPRM,* including the IRFA, to be sent to the Chief Counsel for Advocacy of the Small Business Administration in accordance with section 603(a) of the Regulatory Flexibility Act, Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601 *et seq.* (1981).

Objectives. The objective of the *Further NPRM* is to solicit comments on ways to ease the transition to a revised market definition of local television markets based on Nielsen's DMAs for must-carry/retransmission consent elections beginning in 1999. We request information that will permit us to develop transitional mechanisms to minimize problems that could result from changing market designations on broadcasters' must-carry rights, cable operators' signal carriage obligations, and the availability of local television service to cable subscribers. The *Further NPRM* also seeks comment on requirements intended to make the Section 614(h) market modification process more efficient.

Legal Basis. Authority for this proposed rulemaking is contained in sections 4(i), 4(j) and 614 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j) and 534, and in section 301 of the Telecommunications Act of 1996, Pub. L. 104–104 (1996).

Description, Potential Impact and Number of Small Entities Affected. Changing from a market definition based on ADIs to one based on DMAs could affect the area in which certain small commercial broadcast television stations are entitled to elect must-carry/retransmission consent rights and change the signal carriage obligations of certain small cable systems. The further NPRM requests proposals to minimize the impact on such small entities as well as other stations and cable systems.

Reporting, Recordkeeping and Other Compliance Requirements. None.

Federal Rules which Overlap, Duplicate or Conflict with these Rules. None.

Any Significant Alternatives Minimizing Impact on Small Entities and Consistent with Stated Objectives. None.

Ex Parte

11. *Ex parte Rules*—Non-Restricted Proceeding. This is a non-restricted notice and comment rulemaking proceeding. Ex parte presentations are permitted, except during the Sunshine Agenda period, provided that they are disclosed as provided in the Commission's rules. *See generally,* 47 CFR 1.1202, 1.1203, and 1.1206(a).

Comment Dates

12. Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's rules, interested parties may file comments on or before October 31, 1996, and reply comments on or before November 15, 1996. To file formally in this proceeding, you must file an original plus six copies of all comments, reply comments, and supporting comments. If you would like each Commissioner to receive a personal copy of your comments and reply comments, you must file an original plus 11 copies. You should send comments and reply comments to the Office of the Secretary, Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center, Room 239, Federal Communications Commission, 1919 M Street NW., Washington DC 20554.

Ordering Clauses

13. Authority for this proposed rulemaking is contained in sections 4(i), 4(j) and 614 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j) and 534, and section 301 of the Telecommunications Act of 1996, Pub. L. 104–104 (1996), part 76.

14. It is ordered that, the Secretary shall send a copy of the *Further Notice of Proposed Rulemaking,* including the Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act, Pub. L. No. 96–354, 94 Stat. 1164, 5 U.S.C. §§ 601 et seq. (1981).

List of Subjects in 47 CFR Part 76

Cable television.

Federal Communications Commission.
William F. Caton,
Acting Secretary.
[FR Doc. 96–14567 Filed 6–7–96; 8:45 am]
BILLING CODE 6712–01–P

47 CFR Part 76

[CS Docket No. 96–119; DA 96–833]

Cable Television Service; List of Major Television Markets

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission, through this action, invites comments on its proposal to amend its rules regarding the listing of major television markets, to change the designation of the Cedar Rapids-Waterloo television market to include the community of Dubuque, Iowa. This action is taken at the request of Cedar Rapids Television Company (''CRTV''), licensee of television station KCRG–TV, Channel 9, Cedar Rapids, Iowa and it is taken to test the proposal for market hyphenation through the record established based on comments filed by interested parties.

DATES: Comments are due on or before July 22, 1996 and reply comments are due on or before August 12, 1996.

ADDRESSES: Federal Communications Commission, 1919 M Street, NW, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Vanessa Stallings, Cable Services Bureau, (202) 418–7200.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rulemaking,* CS Docket 96–119, adopted May 20, 1996 and released May 30, 1996. The full text of this decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW, Washington, DC 20554, and may be purchased from the Commission's copy contractor, International Transcription Service, (202) 857–3800, 1919 M Street, NW, Washington, DC 20554.

Synopsis of the Notice of Proposed Rulemaking

1. The Commission, in response to a Petition for Rulemaking filed by the petitioner, proposed to amend § 76.51 of the rules to add the community of Dubuque to the Cedar Rapids-Waterloo television market.

2. In evaluating past requests for hyphenation of a market, the Commission has considered the following factors as relevant to its examination: (1) The distance between the existing designated communities and the community proposed to be added to the designation; (2) whether cable carriage, if afforded to the subject station, would extend to areas beyond its Grade B signal coverage area; (3) the presence of a clear showing of a particularized need by the station requesting the change of market designation; and (4) an indication of benefit to the public from the proposed change. Each of these factors helps the Commission to evaluate individual market conditions consistent ''with the underlying competitive purpose of the market hyphenation rule to delineate areas where stations can and do, both actually and logically, compete.''

3. Based on the facts presented, the Commission believes that a sufficient case for redesignation of the subject market has been set forth so that this proposal should be tested through the rulemaking process, including the comments of interested parties. It appears from the information before the Commission that the television stations licensed to Cedar Rapids, Waterloo and Dubuque, Iowa do compete throughout much of the proposed combined market area. Moreover, the petitioner's proposal appears to be consistent with the Commission's policies regarding redesignation of a hyphenated television market. Nevertheless, because the facts before us indicate that KCRG–TV and the stations licensed to Cedar Rapids, Waterloo and Dubuque may, in fact, be competitive, we believe that the initiation of a rulemaking proceeding is warranted. Proponents of amendments to § 76.51 of our rules, however, should be aware that the standard of proof to change the rules is higher than the standard to simply initiate a rulemaking proceeding. Under these circumstances, then, it may be helpful to receive additional comment on the general nature of any competition between KCRG–TV and other stations in the subject market for viewers, programming and advertising revenues. Accordingly, comment is requested in particular on what consequences, if any, result to the proposal from the addition of Dubuque to the Cedar Rapids-Waterloo, Iowa television market.

Initial Regulatory Flexibility Analysis

4. The Commission certifies that the Regulatory Flexibility Act of 1980 does not apply to this rulemaking proceeding because if the proposed rule amendment is promulgated, there will not be a significant economic impact on a substantial number of small business entities, as defined by section 601(3) of the Regulatory Flexibility Act. A few cable television system operators will be affected by the proposed rule amendment. The Secretary shall send a copy of this *Notice of Proposed Rulemaking,* including the certification, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act. Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. section 601 *et seq.* (1981).

Ex Parte

5. This is a non-restricted notice and comment rulemaking proceeding. *Ex parte* presentations are permitted, provided they are disclosed as provided in the Commission's Rules. *See generally* 47 CFR 1.1202, 1.1203 and 1.1206(a).

Comment Dates

6. Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's rules, interested parties may file comments on or before July 22, 1996 and reply comments on or before August 12, 1996. All relevant and timely comments will be considered before final action is taken in this proceeding. To file formally in this proceeding, participants must file an original and four copies of all comments, reply comments, and supporting comments. If participants want each Commissioner to receive a personal copy of their comments, an original plus nine copies must be filed. Comments and reply comments should be sent to the Office of the Secretary, Federal Communications Commission, Washington, DC 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center (Room 239) of the Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

7. This action is taken pursuant to authority delegated by § 0.321 of the Commission's rules.

List of Subjects in 47 CFR Part 76

Cable television.

Federal Communications Commission.
William H. Johnson,
Deputy Chief, Cable Services Bureau.
[FR Doc. 96–14568 Filed 6–7–96; 8:45 am]
BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 96–56, Notice 01]

RIN 2127–AF77

Federal Motor Vehicle Safety Standards; Warning Devices

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: In this document, NHTSA proposes to rescind the Federal Motor Vehicle Safety Standard that regulates triangular warning devices intended to be placed on the roadway behind disabled buses and trucks that have a gross vehicle weight rating (GVWR) greater than 10,000 lbs. The Federal Highway Administration (FHWA) requires commercial carriers to carry and use one of three types of warning devices: triangular devices meeting Standard No. 125, fusees or flares. NHTSA is proposing to rescind the Standard because FHWA can readily specify the carrying and using of triangular warning devices meeting requirements other than those in Standard No. 125. This proposal is part of the agency's efforts to implement the President's Regulatory Reform Initiative to remove unnecessary regulations.

DATES: Comments must be received on or before July 25, 1996.

ADDRESSES: Comments must refer to the docket and notice numbers cited at the beginning of this notice and be submitted to: Docket Section, Room 5109, National Highway Traffic Safety Administration (NHTSA), 400 Seventh Street, SW., Washington, DC 20590. It is requested that 10 copies of the comments be submitted.

FOR FURTHER INFORMATION CONTACT: For technical issues: Mr. Richard Van Iderstine, Office of Vehicle Safety Standards, NPS–21, telephone (202) 366–5280, FAX (202) 366–4329.

For legal issues: Ms. Dorothy Nakama, Office of Chief Counsel, NCC–20, telephone (202) 366–2992, FAX (202) 366–3820.

Both may be reached at NHTSA, 400 Seventh Street, SW., Washington, DC 20590. Comments should not be faxed to these persons, but should be sent to the Docket Section.

SUPPLEMENTARY INFORMATION:

President's Regulatory Reinvention Initiative

Pursuant to the March 4, 1995 directive ''Regulatory Reinvention Initiative'' from the President to the heads of departments and agencies, NHTSA undertook a review of its regulations and directives. During the course of this review, NHTSA identified regulations that it could propose to rescind as unnecessary or to amend to improve their comprehensibility, application, or appropriateness. Among the regulations identified for potential rescission is Federal Motor Vehicle Safety Standard No. 125, *Warning devices* (49 CFR § 571.125).

Background of Standard No. 125

Federal Motor Vehicle Safety Standard (FMVSS) No. 125, *Warning devices*, specifies requirements for warning devices that do not have self-contained energy sources (unpowered warning devices) and that are designed to be carried in buses and trucks that have a gross vehicle weight rating (GVWR) greater than 10,000 lbs. The unpowered warning devices are intended to be placed on the roadway behind a disabled vehicle to warn approaching traffic of its presence. The Standard does not apply to unpowered warning devices designed to be permanently affixed to the vehicle. The purpose of the Standard is to reduce deaths and injuries due to rear-end collisions between moving traffic and stopped vehicles.

The standard requires that the unpowered warning devices be triangular, covered with orange fluorescent and red reflex reflective material, and open in the center. These characteristics are intended to assure that the warning device has a standardized shape for quick message recognition and can be readily observed during both daytime and nighttime, and does not blow over when deployed.

NHTSA has never required that any new vehicle be equipped with the Standard No. 125 warning device or any other warning device. However, as explained below, FHWA, which has authority to regulate interstate commercial vehicles-in-use, mandates that operators of those vehicles carry and use unpowered warning devices meeting Standard No. 125, fusees or flares.

Previous Changes to Standard No. 125

Before 1994, Standard No. 125 applied to unpowered warning devices that are designed to be carried in any type of motor vehicle. On May 10, 1993 (58 FR 27314), NHTSA issued a notice of proposed rulemaking to amend Standard No. 125 so that the Standard applies only to warning devices that are designed to be carried in buses and trucks that have a gross vehicle weight rating (GVWR) greater than 10,000 lbs.

NHTSA proposed to limit the scope of Standard No. 125 in order to provide manufacturers of unpowered warning devices with greater design freedom and to relieve an unnecessary regulatory burden on industry. At the same time, the agency proposed to retain the requirements for warning devices for buses and trucks with a GVWR greater than 10,000 lbs., primarily to support FHWA's regulation of commercial motor vehicles under the Federal Motor Carrier Safety Regulations (FMCSR) (49 CFR parts 350–399). Section 393.95 of the FMCSR requires either that three Standard No. 125 warning devices or specified numbers of fusees or flares be carried on all trucks and buses used in interstate commerce. In a final rule published on September 29, 1994 (59 FR 49586), NHTSA limited the applicability of Standard No. 125 as proposed.

Proposed Rescission of Standard No. 125

In the September 1994 final rule limiting Standard No. 125 to unpowered warning devices designed to be carried in buses and trucks with a GVWR greater than 10,000 lbs., NHTSA stated that it was retaining Standard No. 125 in its narrowed form largely to ensure the continued availability of standardized unpowered warning devices which FHWA could specify as a means of complying with its warning device requirements for commercial vehicle operators. After reviewing Standard No. 125 in light of the President's Regulatory Review Initiative, NHTSA tentatively has determined that the retention of Standard No. 125 is not necessary to ensure the continued availability of unpowered warning devices.

If Standard No. 125 were rescinded, FHWA would have two options. First, it could adopt the current manufacturing standards for the warning devices as an appendix to the Federal Motor Carrier Safety Regulations. Section 393.95 would be revised to reference the newly created appendix as opposed to Section 571.125.

Second, it could work with an industry voluntary standards setting organization such as the Society of Automotive Engineers (SAE) to develop an industry standard on unpowered warning devices containing requirements similar to those in Standard No. 125. Once those requirements were developed, FHWA could incorporate them by reference in Section 393.95.

NHTSA notes that it has a pending petition from the Transportation Safety Equipment Institute (TSEI) requesting that NHTSA's testing protocol for Standard No. 125, Laboratory Test Procedure for Warning Devices (TP–125–00, April 1, 1977) be amended to reflect the TSEI's recommended changes. If NHTSA were to rescind Standard No. 125, equipment manufacturers could work with an industry standard setting organization to specify the testing protocol that it deems appropriate.

Proposed Effective Date

Because the proposed removal of Standard No. 125 would relieve regulatory restrictions without compromising safety, the agency has tentatively determined that there is good cause for concluding that an effective date earlier than 180 days after issuance is in the public interest. Accordingly, the agency proposes that, if adopted, the effective date for the final rule be 45 days after its publication in the Federal Register.

Rulemaking Analyses and Notices

1. Executive Order 12866 and DOT Regulatory Policies and Procedures

This proposed rule was not reviewed under E.O. 12866, Regulatory Planning and Review. NHTSA has analyzed the impact of this rulemaking action under the Department of Transportation's regulatory policies and procedures and determined that it is not ''significant.'' If made final, this rulemaking action would remove an unnecessary regulation from the Federal Motor Vehicle Safety Standards.

This action is not expected to have any economic impact on manufacturers of unpowered warning devices designed to be carried in motor vehicles with a GVWR of 10,000 lbs. or less since the agency does not currently regulate the manufacture of those devices.

Based on its assumption that there would continue to be performance requirements similar to those currently in Standard No. 125, NHTSA tentatively concludes that the rescission of the Standard would, at most, have only slight, nonquantifiable economic effects on manufacturers of unpowered warning devices designed to be carried in buses and trucks over 10,000 lbs. GVWR.

For these reasons, the agency has concluded that the economic effects of this proposal would be so minimal that a full regulatory evaluation is not required.

2. Regulatory Flexibility Act

The agency has also considered the effects of this rulemaking under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) I certify that this proposal would not have a significant economic impact on a substantial number of small entities. If FHWA continued to specify an unpowered warning device for buses and trucks that have a GVWR greater than 10,000 lbs. that meets requirements similar or identical to those in Standard No. 125, and to require operators of such vehicles to carry the devices or other types of warning devices, the cost of the unpowered warning devices should not change. Further, manufacturers of those unpowered warning devices would continue to have essentially the same market that they currently have. Accordingly, the agency has not prepared an initial regulatory flexibility analysis.

3. Executive Order 12612 (Federalism)

This proposed rule has been analyzed in accordance with the principles and criteria contained in Executive Order 12612. The agency has determined that the proposed rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

4. National Environmental Policy Act

The agency has also analyzed this proposed rule for the purpose of the National Environmental Policy Act. NHTSA has determined that the proposed rule would not significantly affect the human environment.

5. Paperwork Reduction Act

Standard No. 125 specifies that the warning devices be marked with certain information, that is considered to be an information collection requirement, as that term is defined by the Office of Management and Budget (OMB) in 5 CFR Part 1320. This collection of information has been assigned OMB Control No. 2127–0506, (Warning Devices (Labeling)) and has been approved for use through March 31, 1996. Whether NHTSA decides to ask for a reinstatement of this collection of information will depend on the final action for this rulemaking.

6. Executive Order 12866 (Civil Justice Reform)

This proposed rule would not have any retroactive effect. Under 49 U.S.C. section 30103, whenever a Federal motor vehicle safety standard is in effect, a State may not adopt or maintain a safety standard applicable to the same aspect of performance which is not identical to the Federal standard, except to the extent that the State requirement imposes a higher level of performance and applies only to vehicles procured for the State's use. 49 U.S.C. section 30161 sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. That section does not require submission of a petition for reconsideration or other administrative proceedings before parties may file suit in court.

Procedures for Filing Comments

Interested persons are invited to submit comments on the proposal. It is requested that 10 copies be submitted.

All comments must not exceed 15 pages in length. (49 CFR 553.21). Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential business information, should be submitted to the Chief Counsel, NHTSA, at the street address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. A request for confidentiality should be accompanied by a cover letter setting forth the information specified in the agency's confidential business information regulation. 49 CFR part 512.

All comments received before the close of business on the comment closing date indicated above for the proposal will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Comments received too for consideration in regard to the final rule will be considered as suggestions for further rulemaking action. Comments on the proposal will be available for inspection in the docket. The NHTSA will continue to file relevant information as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. Upon receiving the comments, the docket supervisor will return the postcard by mail.

List of Subjects in 49 CFR Part 571

Imports, Incorporation by reference, Motor vehicle safety, Motor vehicles, Rubber and rubber products, Tires.

In consideration of the foregoing, NHTSA proposes to amend 49 CFR part 571 as follows:

PART 571—[AMENDED]

1. The authority citation for part 571 would continue to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

§ 571.125 [Removed and reserved]

2. § 571.125 would be removed, and reserved.

Issued on: May 31, 1996.

Barry Felrice,

Associate Administrator for Safety Performance Standards.

[FR Doc. 96–14256 Filed 6–7–96; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 641

[I.D. 052096A]

Gulf of Mexico Fishery Management Council; Public Hearings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Public hearings; request for comments.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will convene five public hearings on Draft Amendment 14 to the Fishery Management Plan for Reef Fish Resources of the Gulf of Mexico (FMP) and a draft environmental assessment (EA).

DATES: Written comments will be accepted until July 1, 1996. The public hearings will be held from June 17 to June 21, 1996. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: Written comments should be sent to and copies of the draft amendment are available from Mr. Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Tampa, FL 33609.

The hearings will be held in Florida. See **SUPPLEMENTARY INFORMATION** for locations of the hearings and public accommodations.

FOR FURTHER INFORMATION CONTACT: Wayne E. Swingle, 813 228–2815.

SUPPLEMENTARY INFORMATION: The Council will be holding public hearings on Draft Amendment 14 to the FMP and its draft EA. Amendment 14 includes management alternatives for regulating the fish trap fishery. Alternatives under consideration include: (1) Creation of a commercial vessel license system limiting participants in the trap fishery along with provisions for the transfer of vessel permits, (2) extending the current moratorium on the issuance of fish trap endorsements for 4 more years, (3) limiting permits to current trap fishery participants and phasing out the trap fishery after 10 years, and (4) evaluating the effectiveness of enforcement of trap rules over 2 years before taking further action. The current moratorium on new fish trap endorsements expires in February 1997. Amendment 14 also includes several alternatives related to area prohibitions on the use of fish traps including prohibiting: (1) The use of fish traps south of 24°54' N. lat. (i.e., off Dry Tortugas, FL);

(2) use of traps in the Gulf of Mexico west of Cape San Blas, FL (Appalachicola area); (3) use of traps on Riley's Hump (a 20 square mile (51 km) spawning aggregation site, south of Dry Tortugas); and (4) all fishing on Riley's Hump year round, making it a marine sanctuary. Amendment 14 would modify the provisions for tending traps and establish compliance conditions for the trap permit.

Additional management measures in Amendment 14 include: (1) Modifying the FMP framework procedure for specifying total allowable catch by allowing the Regional Director, in addition to being able to open and close a commercial fishery, to reopen a closed commercial fishery if needed to ensure that the fishery quota is harvested; (2) modifying the transfer provisions for reef fish vessel permits (under the reef fish commercial vessel permit moratorium) to allow transfers of permits to an income qualifying operator; also allowing a vessel owner 1 year to meet the income qualifications if the permit has been issued based on income qualifications of the operator; and (3) prohibiting the harvest of Nassau grouper in the Gulf of Mexico because of resource declines.

The hearings are scheduled from 7:00 p.m. to 10:00 p.m. as follows:

1. Monday, June 17, 1996—Holiday Inn Beachside, 3841 North Roosevelt Boulevard, Key West, FL 33040

2. Tuesday, June 18, 1996—Naples Depot Civic-Cultural Center, 1051 Fifth Avenue South, Naples, FL 33940

3. Wednesday, June 19, 1996—Plantation Inn and Golf Resort, West Fort Island Trail (CR 44W), Crystal River, FL 34423

4. Thursday, June 20, 1996—Steinhatchee Elementary School, First Avenue South, Steinhatchee, FL 32359

5. Friday, June 21, 1996—Crawfordville Board of County Commissioners Conference Room, Old Aaron Road (behind the Courthouse), Crawfordville, FL 32326

Special Accommodations

These hearings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Anne Alford at the Council (see **ADDRESSES**) by June 12, 1996.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: June 3, 1996.

Richard W. Surdi,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 96–14494 Filed 6–7–96; 8:45 am]

BILLING CODE 3510–22–F

Notices

Federal Register
Vol. 61, No. 112
Monday, June 10, 1996

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Rural Business-Cooperative Service

National Sheep Industry Improvement Center; Solicitation of Nominations of Board Members

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Notice: Invitation to submit nominations.

SUMMARY: The Rural Business-Cooperative Service (RBS) announces that it is accepting nominations for the Board of the National Sheep Industry Improvement Center. Board members shall manage and oversee the Center's activities. Nominations may be submitted by any qualified organization in the national sheep or goat industry. Nominators should state the qualifications of the nominating organization in their submission, as well as the qualifications of individual nominees. Qualification statements for the nominating organizations must substantiate their national status and include (1) the number and percent of members that are active sheep or goat producers and (2) the primary interests of the organization. Individuals proposed as nominees for the Board must complete an Advisory Committee Membership Background Information form. This action is taken to carry out section 759 of the Federal Agriculture Improvement and Reform Act of 1996 for the establishment of a National Sheep Industry Improvement Center. The intended effect of this notice is to obtain nominations for the Board.

DATES: RBS hereby announces that it will receive nominations, statements on qualification of nominee, and qualifications of the nominating organization. The closing date for acceptance by RBS of nominations is July 25, 1996. Nominations must be received by, or postmarked, on or before, this date.

ADDRESSES: Submit nominations and statements on qualifications to Cooperative Services, RBS, USDA, Ag Box 3252, Washington, DC 20250–3252, Attn.: National Sheep Improvement Center, Nominations.

FOR FURTHER INFORMATION CONTACT: Dr. Thomas H. Stafford, Director, Cooperative Marketing Division, Cooperative Services, RBS, USDA, Ag Box 3252, Washington, DC 20250–3252, telephone (202) 690–0368, (This is not a toll free number.) FAX 202–690–2723, or e-mail tstaff@rurdev.usda.gov.

SUPPLEMENTARY INFORMATION: The Federal Agriculture Improvement and Reform Act of 1996, known as the 1996 Farm Bill, directs the Secretary of Agriculture to establish a National Sheep Industry Improvement Center. The Center shall (1) promote strategic development activities and collaborative efforts by private and State entities to maximize the impact of Federal assistance to strengthen and enhance production and marketing of sheep or goat products in the United States; (2) optimize the use of available human capital and resources within the sheep or goat industries; (3) provide assistance to meet the needs of the sheep or goat industry for infrastructure development, business development, production, resource development, and market and environmental research; (4) advance activities that empower and build the capacity of the United States sheep or goat industry to design unique responses to special needs of the sheep or goat industries on both a regional and national basis; and (5) adopt flexible and innovative approaches to solving the long-term needs of the United States sheep or goat industry. The Center will have a Revolving Fund established in the Treasury to carry out the purposes of the Center. Management of the Center will be vested in a Board of Directors, which may appoint an Executive Director, other officers, and employees.

The Board shall be composed of 7 voting members of whom 4 shall be active producers of sheep or goats in the United States, 2 shall have expertise in finance and management, and 1 shall have expertise in lamb, wool, goat or goat product marketing. The Board will include 2 non-voting members, the Under Secretary of Agriculture for Rural Development and the Under Secretary of Agriculture for Research, Education, and Economics. Board members will not receive compensation for serving on the Board, but shall be reimbursed for travel, subsistence, and other necessary expenses.

National organizations eligible to make nominations shall (1) consist primarily of active sheep or goat producers in the United States and (2) have as their primary interest the production of sheep or goats in the United States.

The Secretary of Agriculture shall appoint the voting members from submitted nominations. Member's term of office shall be 3 years. Board members shall initially serve staggered terms of 1, 2, or 3 years, as determined by the Secretary. Voting members are limited to two terms. The Board shall meet not less than once each fiscal year. On or before April 4, 1997, the Board shall hold public hearings on policy objectives of the Center.

The statement of qualifications of the individual nominees is being obtained by using Form AD–755, Advisory Committee Membership Background Information. The requirements of this form are incorporated under OMB number 0505–0001.

Dated: May 31, 1996.

Dayton J. Watkins,

Administrator, Rural Business-Cooperative Service.

[FR Doc. 96–14512 Filed 6–7–96; 8:45 am]

BILLING CODE 3410–32–P

Inviting Preapplications for Technical Assistance for Rural Transportation Systems

AGENCY: Rural Business-Cooperative Service, USDA.

ACTION: Notice.

SUMMARY: The Rural Business-Cooperative Service (RBS) announces the availability of approximately $500,000 in competing Rural Business Enterprise Grant (RBEG) funds for fiscal year (FY) 1996 specifically for technical assistance for rural transportation systems. The funds are designed to assist public bodies and private nonprofit corporations serving rural areas in providing technical assistance, for planning and developing transportation systems, and for training for rural communities needing improved passenger transportation systems or facilities in order to promote economic development through a link

between transportation and economic development initiatives.

DATES: The deadline for receipt of a preapplication in the Rural Development State Office is July 1, 1996. Preapplications received after that date will not be considered for FY 1996 funding.

ADDRESSES: Entities wishing to apply for assistance should contact the Rural Development State Offices to receive further information and copies of the preapplication package. A list of State Offices follows:

State Director, Rural Development, Sterling Center Suite 601, 4121 Carmichael Road, Montgomery, AL 36106–3683
State Director, Rural Development, 634 S Bailey, Suite 103, Palmer, AK 99645
State Director, Rural Development, 3003 North Central Avenue, Suite 900, Phoenix, AZ 85012
State Director, Rural Development, 700 W Capitol, P O Box 2778, Little Rock, AR 72203
State Director, Rural Development, 194 West Main Street, Suite F, Woodland, CA 95695–2915
State Director, Rural Development, 655 Parfet Street, Room E100, Lakewood, CO 80215
State Director, Rural Development, 5201 S Dupont Highway, P O Box 400, Camden, DE 19934–9998
State Director, Rural Development, 4440 NW 25th Pl, P O Box 147010, Gainesville, FL 32614–7010
State Director, Rural Development, Stephens Federal Building, 355 E Hancock Avenue, Athens, GA 30601
State Director, Rural Development, Federal Building, Room 311, 154 Waianuenue Avenue, Hilo, HI 96720
State Director, Rural Development, 3232 Elder Street, Boise, ID 83705
State Director, Rural Development, Illini Plaza, Suite 103, 1817 South Neil Street, Champaign, IL 61820
State Director, Rural Development, 5975 Lakeside Blvd, Indianapolis, IN 46278
State Director, Rural Development, Federal Building, Rm 873, 210 Walnut Street, Des Moines, IA 50309
State Director, Rural Development, 1201 SW Summit Executive Court, P O Box 4653, Topeka, KS 66604
State Director, Rural Development, 771 Corporate Drive, Suite 200, Lexington, KY 40503
State Director, Rural Development, 3727 Government Street, Alexandria, LA 71302
State Director, Rural Development, 444 Stillwater Avenue, Suite 2, P O Box 405, Bangor, ME 04402–0405
State Director, Rural Development, 451 West Street, Amherst, MA 01002
State Director, Rural Development, 3001 Coolidge Road, Suite 200, East Lansing, MI 48823
State Director, Rural Development, 410 Farm Credit Service Building, 375 Jackson Street, St Paul, MN 55101
State Director, Rural Development, Federal Building, Room 831, 100 W Capitol Street, Jackson, MS 39269
State Director, Rural Development, 601 Business Loop 70 West, Parkade Center, Suite 235, Columbia, MO 65203
State Director, Rural Development, 900 Technology Blvd., Suite B, P O Box 850, Bozeman, MT 59771
State Director, Rural Development, Federal Building, Room 308, 100 Centennial Mall N, Lincoln, NE 68508
State Director, Rural Development, 1390 South Curry Street, Carson City, NV 89703–5405
State Director, Rural Development, Tarnsfield Plaza, Suite 22, 1016 Woodlane Road, Mt Holly, NJ 08060
State Director, Rural Development, Federal Building, Room 3414, 517 Gold Avenue, SW, Albuquerque, NM 87102
State Director, Rural Development, Galleries of Syracuse, 441 S Salina Street, Syracuse, NY 13202
State Director, Rural Development, 4405 Bland Road, Suite 260, Raleigh, NC 27609
State Director, Rural Development, Federal Building, Room 208, 3rd & Rosser, P O Box 1737, Bismarck, ND 58502
State Director, Rural Development, Federal Building, Room 507, 200 North High Street, Columbus, OH 43215
State Director, Rural Development, USDA Agricultural Center, Stillwater, OK 74074
State Director, Rural Development, 101 SW Main Street, Suite 1410, Portland, OR 97204–2333
State Director, Rural Development, 1 Credit Union Place, Suite 330, Harrisburg, PA 17110–2996
State Director, Rural Development, New San Juan Office Building, Room 501, 159 Carlos E Chardon Street, Hato Rey, PR 00918–5481
State Director, Rural Development, Strom Thurmond Federal Building, 1835 Assembly Street, Room 1007, Columbia, SC 29201
State Director, Rural Development, Federal Building, Room 308, 200 4th Street, SW, Huron, SD 57350
State Director, Rural Development, 3322 West End Avenue, Suite 300, Nashville, TN 37203–1071
State Director, Rural Development, Federal Building, Suite 102, 101 South Main, Temple, TX 76501
State Director, Rural Development, Federal Building, Room 5438, 125 South State Street, Salt Lake City, UT 84138
State Director, Rural Development, City Center, 3rd Floor, 89 Main Street, Montpelier, VT 05602
State Director, Rural Development, Culpeper Building, Suite 238, 1606 Santa Rosa Road, Richmond, VA 23229
State Director, Rural Development, Federal Building, Room 319, 301 Yakima Street, PO Box 2427, Wenatchee, WA 98807
State Director, Rural Development, 75 High Street, PO Box 678, Morgantown, WV 26505
State Director, Rural Development, 4949 Kirschling Court, Stevens Point, WI 54481
State Director Rural Development, Federal Building, Rm 1005, P O Box 820, Casper, WY 82602

FOR FURTHER INFORMATION CONTACT: Carole S. Boyko, Rural Development Specialist, Specialty Lenders Division, Room 2245, South Agriculture Building, 14th and Independence Avenue, SW, Washington, DC 20250–0700. Telephone: (202)720–1400.

SUPPLEMENTARY INFORMATION: Refer to section 310B (c) and 310B (j) (7 U.S.C. 1932) of the Consolidated Farm and Rural Development Act, as amended, and FmHA Instruction 1942–G for the information collection requirements of the RBEG program. The RBEG program was previously administered by the former Rural Development Administration. Under the reorganization of the Department of Agriculture, the responsibility for administering this program was transferred to the Rural Business-Cooperative Service (RBS). Part 1942–G of title 7 of the Code of Federal Regulations provides details on what information must be contained in the preapplication package.

The RBEG program is authorized by section 310 B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932). The primary objective of the program is to improve the economic conditions of rural areas. The RBEG program will achieve this objective by assisting public bodies and private nonprofit corporations serving rural areas in providing technical assistance for planning and developing transportation systems, and for training for rural communities needing improved passenger transportation systems or facilities in order to promote economic development through a link between transportation and economic development initiatives.

RBEG grants are competitive and will be awarded to nonprofit institutions and public bodies based on specific selection criteria, as required by legislation and set forth in 7 CFR part 1942, subpart G. Project selection will be given to those projects that contribute the most to the improvement of economic conditions in rural areas. Preapplications will be tentatively scored by the State Offices and submitted to the National Office for review and selection.

Fiscal Year 1996 Preapplication Submission

Due to the short preapplication period remaining for FY 1996 funds, qualified applicants should begin the preapplication process as soon as possible and have their preapplications submitted to the State Offices no later than July 1, 1996. Each preapplication received in a State Office will be reviewed to determine if the

preapplication is consistent with the eligible purposes outlined in 7 CFR part 1942, subpart G. Copies of 7 CFR part 1942, subpart G, will be provided to any interested applicant by making a request to the Rural Development State Office or the RBS National Office.

All eligible preapplications, along with tentative scoring sheets and the State Director's recommendation, will be referred to the National Office no later than July 15, 1996, for final scoring and selection for award.

The National Office will score preapplications based on the grant selection criteria set forth in 7 CFR part 1942, subpart G, and published weights and will select awardees subject to the availability of funds and the awardee's satisfactory submission of a formal preapplication and related materials in accordance with subpart G. Entities submitting preapplications and subsequently selected for award will be invited by the State Office to submit a formal application. It is anticipated that grant awardees will be selected by August 15, 1996. All applicants will be notified by the Rural Development State Office of the Agency decision on awards, and non-selectees will be provided appeal rights in accordance with 7 CFR part 11. The information collection requirements within this Notice are covered under OMB No. 0575–0132 and 7 CFR part 1942, subpart G.

Dated: June 3, 1996.

Jill Long Thompson,

Under Secretary, Rural Development.

[FR Doc. 96–14500 Filed 6–7–96; 8:45 am]

BILLING CODE 3410–07–U

DEPARTMENT OF COMMERCE

International Trade Administration

[A–412–803]

Industrial Nitrocellulose from the United Kingdom: Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On February 21, 1996, the Department of Commerce (the Department) published the preliminary results of its administrative review of the antidumping duty order on industrial nitrocellulose (INC) from the United Kingdom. This review covers one producer/exporter, Imperial Chemical Industries, PLC (ICI), and entries of the subject merchandise into the United States during the period July 1, 1993 through June 30, 1994.

We gave interested parties an opportunity to comment on our preliminary results, but we received no comments. We have not changed the margin from that presented in our preliminary results of review.

EFFECTIVE DATE: June 10, 1996.

FOR FURTHER INFORMATION CONTACT: Rebecca Trainor or Maureen Flannery, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482–4733.

Applicable Statutes and Regulations

Unless otherwise stated, all citations to the statute and to the Department's regulations are references to the provisions as they existed on December 31, 1994.

SUPPLEMENTARY INFORMATION:

Background

On February 21, 1996, the Department published in the Federal Register (61 FR 6624) the preliminary results of the administrative review of the antidumping duty order on INC from the United Kingdom (55 FR 28270, July 10, 1990). The preliminary results indicated the existence of a dumping margin for the respondent. We received no comments from interested parties on our preliminary results. The Department has now completed this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of the Review

This review covers shipments of INC from the United Kingdom. INC is a dry, white, amorphous synthetic chemical with a nitrogen content between 10.8 and 12.2 percent, which is produced from the reaction of cellulose with nitric acid. It is used as a film-former in coatings, lacquers, furniture finishes, and printing inks. INC is currently classifiable under Harmonized Tariff Schedule (HTS) item number 3912.20.00. The HTS subheadings are provided for convenience and U.S. Customs Service purposes. The written description remains dispositive. The scope of the antidumping order does not include explosive grade nitrocellulose, which has a nitrogen content of greater than 12.2 percent.

This review covers sales of the subject merchandise manufactured by ICI and entered into the United States during the period July 1, 1993 through June 30, 1994.

Final Results of Review

We determine that a margin of 1.48 percent exists for ICI for the period July 1, 1993 through June 30, 1994.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between U.S. price and foreign market value may vary from the percentage stated above. The Department will issue appraisement instructions directly to the Customs Service.

Furthermore, the following deposit requirements will be effective upon publication of this notice of final results of review for all shipments of INC from the United Kingdom entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for the reviewed company will be that established in these final results of this administrative review; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this or a previous review or the less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the most recent rate established for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will be the ''all others'' rate of 11.13 percent established in the final notice of the LTFV investigation.

This notice also serves as a reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 C.F.R. 353.34(d). Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and section 353.22 of the Department's regulations.

Dated: June 4, 1996.

Paul L. Joffe,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96–14607 Filed 6–7–96; 8:45 am]

BILLING CODE 3510–DS–P

[A–122–814]

Pure Magnesium From Canada; Preliminary Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Preliminary Results of Antidumping Duty Administrative Review.

SUMMARY: In response to a request from one respondent, the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on pure magnesium from Canada. The review covers one manufacturer/exporter of the subject merchandise to the United States for the period August 1, 1994 through July 31, 1995.

We have preliminarily determined that U.S. sales have not been made below the normal value (NV). Interested parties are invited to comment on these preliminary results. Parties who submit arguments in this proceeding are requested to submit with each argument (1) a statement of the issue, and (2) a brief summary of the argument.

EFFECTIVE DATE: June 10, 1996.

FOR FURTHER INFORMATION CONTACT: Michael Rausher or Richard Rimlinger, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230, telephone: (202) 482–4733.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to the current regulations, as amended by the interim regulations published in the Federal Register on May 11, 1995 (60 FR 25130).

Background

On August 31, 1992, the Department published in the Federal Register (57 FR 39399) the antidumping duty order on pure magnesium from Canada. On August 1, 1995, the Department published a notice of ''Opportunity to Request Administrative Review'' of this antidumping duty order for the period of August 1, 1994 through July 31, 1995 (60 FR 39151). We received a timely request for review from the respondent, Norsk Hydro Canada Inc. (NHCI). On September 15, 1995, the Department initiated a review of NHCI (60 FR 47930).

Scope of the Review

The product covered by this review is pure magnesium. Pure unwrought magnesium contains at least 99.8 percent magnesium by weight and is sold in various slab and ingot forms and sizes. Granular and secondary magnesium are excluded from the scope currently classified under subheading 8104.11.0000 of the Harmonized Tariff Schedule (HTS). The HTS item numbers are provided for convenience and for Customs purposes. The written description remains dispositive.

The review covers one Canadian manufacturer/exporter, NHCI, and the period August 1, 1994 through July 31, 1995.

United States Price (USP)

In calculating USP for NHCI, the Department treated respondent's sale as an export price (EP) sale, as defined in section 772(a) of the Act, because the subject merchandise was sold to an unaffiliated U.S. purchaser prior to the date of importation.

We calculated EP based on the packed, delivered, duty-paid price to the unaffiliated customer in the United States. We made deductions from the gross unit price, where appropriate, for freight and U.S. customs duty, in accordance with section 772(c)(2)(A) of the Act.

No other adjustments to USP were claimed or allowed.

Normal Value (NV)

Based on a comparison of the aggregate quantity of home market and U.S. sales, we determined that the quantity of foreign like product sold in the exporting country was sufficient to permit a proper comparison with the sales of the subject merchandise to the United States, pursuant to section 773(a) of the Act. Therefore, in accordance with section 773(a)(1)(B)(i) of the Act, we based NV on the prices at which the foreign like products were first sold for consumption in the exporting country.

Pursuant to section 777A(d)(2) of the Act, we compared the EP of the individual transaction to the monthly weighted-average price of sales of the foreign like product. We compared the EP sale to sales in the home market of identical merchandise.

We based NV on the price at which the foreign like product is first sold for consumption in the exporting country, in the usual commercial quantities and in the ordinary course of trade and at the same level of trade as the EP, in accordance with section 773(a)(1)(B)(i) of the Act. We made adjustments, where applicable, for freight charges and home market credit expenses, in accordance with section 773(a)(6)(B)(ii) of the Act. We increased home market price by U.S. packing costs in accordance with section 773(a)(6)(A) of the Act and reduced it by home market packing costs in accordance with section 773(a)(6)(B) of the Act. In accordance with section 773(a)(6)(C) of the Act, we increased NV by adding U.S. credit expense. No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of this review, we preliminarily determine that the following weighted-average dumping margin exists:

Manufacturer/Exporter	Period	Margin (percent)
Norsk Hydro Canada, Inc.	8/1/94–7/31/95	0.00

Parties to the proceeding may request disclosure within five days of the date of publication of this notice. Any interested party may request a hearing within 10 days of publication. Any hearing, if requested, will be held 44

days after the date of publication, or the first workday thereafter. Case briefs and/or written comments from interested parties may be submitted not later than 30 days after the date of publication. Rebuttal briefs and rebuttals to written comments, limited to issues raised in the case briefs and comments, may be filed not later than 37 days after the date of publication. Parties who submit arguments in this proceeding are requested to submit with each argument (1) a statement of the issue and (2) a brief summary of the argument. The Department will issue the final results of the administrative review, including the results of its analysis of issues raised in any such written comments or at a hearing, within 120 days of issuance of these preliminary results.

The Department shall determine, and Customs shall assess, antidumping duties on all appropriate entries. Individual differences between USP and NV may vary from the percentage stated above. The Department will issue appraisement instructions directly to Customs. The final results of this review shall be the basis for the assessment of antidumping dumping duties on entries of merchandise covered by the determination and for future deposits of estimated duties.

Furthermore, the following deposit requirements will be effective upon completion of the final results of this administrative review for all shipments of pure magnesium from Canada entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for NHCI will be the rate established in the final results of administrative review; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in the original less than fair value (LTFV) investigation or a previous review, the cash deposit will continue to be the most recent rate published in the final determination or final results for which the manufacturer or exporter received a company-specific rate; (3) if the exporter is not a firm covered in this review, or the original investigation, but the manufacturer is, the cash deposit rate will be that established for the manufacturer of the merchandise in the final results of this review or the LTFV investigation; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review, the cash deposit rate will be 21 percent, the ''all others'' rate established in *Pure Magnesium From Canada: Amendment of Final Determination of Sales At Less Than Fair Value and Order in Accordance With Decision on Remand*, 58 FR 62643, November 29, 1993.

This notice also serves as a preliminary reminder to importers of their responsibility to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: May 29, 1996.

Paul L. Joffe,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 96–14619 Filed 6–7–96; 8:45 am]

BILLING CODE 3510–DS–P

[A–588–046]

Polychloroprene Rubber from Japan; Final Results of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of Final Results of Antidumping Duty Administrative Review

SUMMARY: On April 5, 1996, the Department of Commerce (the Department) published the preliminary results of administrative review of the antidumping duty order on polychloroprene rubber (rubber) from Japan. The review covers six manufacturers/exporters of the subject merchandise to the United States for the period December 1, 1993, through November 30, 1994. These manufacturers/exporters are Denki Kaguku, K.K. (Denki), Denki/Hoei Sangyo Co., Ltd. (Denki/Hoei Sangyo), Mitsui Bussan K.K. (Mitsui Bussan), Suzugo Corporation (Suzugo), Tosoh Corporation (Tosoh) (formerly Toyo Soda), and Tosoh/Hoei Sangyo Co., Ltd. (Tosoh/Hoei Sangyo).

We gave interested parties an opportunity to submit oral or written comments on the preliminary results of review. We received no comments. Based on our analysis, these final results of review are unchanged from those presented in our preliminary results of review.

EFFECTIVE DATE: June 10, 1996.

FOR FURTHER INFORMATION CONTACT: Roy F. Unger, Jr. or Thomas Futtner, Office of Antidumping Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 482–0651 or 482–3814.

SUPPLEMENTARY INFORMATION:

Background

On April 5, 1996, the Department published in the Federal Register (61 FR 15222) the preliminary results of administrative review of the antidumping finding on rubber from Japan. The Department has now conducted that administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute and to the Department's regulations refer to the provisions as they existed on December 31, 1994.

Scope of the Review

Imports covered by the review are shipments of polychloroprene rubber, an oil resistant synthetic rubber also known as polymerized chlorobutadiene or neoprene, currently classifiable under items 4002.42.00, 4002.49.00, 4003.00.00, 4462.15.21 and 4462.00.00. HTS item numbers are provided for convenience and for Customs purposes. The written descriptions remain dispositive.

Final Results of Review

We were unable to locate the following companies, Denki/Hoei Sangyo, Suzugo, and Tosoh/Hoei Sangyo, in spite of requests for assistance from various sources including the American Embassy in Tokyo, the Japanese Embassy in Washington, D.C., and the U.S. Customs Service. Therefore, we were unable to conduct administrative reviews for these firms, and upon issuance of these final results we will instruct the U.S. Customs Service to continue to assess any entries by these firms at the rate determined by the last completed administrative review on November 26, 1984 (49 FR 46454). *See Certain Fresh Cut Flowers from Colombia; Preliminary Results of Antidumping Duty Administrative Review, Partial Termination of Administrative Reviews, and Notice of Intent to Revoke Order (In Part) (Flowers from Colombia)*, 60 FR 30271 (June 8, 1995)).

We gave interested parties an opportunity to comment on the preliminary results of review. The Department received no written

comments or requests for a hearing. Based on our analysis, these final results of review are the same as those presented in the preliminary results of review, and we determine that the following margins for the companies exist for the period December 1, 1993, through November 30, 1994:

Manufacturer/Producer/Exporter	Percent Margin
Denki	[1]0.00
Mitsui Bussan	[1]0.00
Tosoh	[1]0.00

[1] No shipments during the POR. Rate is from the last administrative review in which there were shipments.

The U.S. Customs Service shall assess antidumping duties on all appropriate entries. Individual differences between United States Price (USP) and Foreign Market Value (FMV) may vary from the percentages stated above. The Department will issue appraisement instructions concerning each respondent directly to the U.S. Customs Service.

Furthermore, the following deposit requirements will be effective for all shipments of the subject merchandise, entered, or withdrawn from warehouse, for consumption on or after the publication date of these final results of administrative review, as provided for by section 751(a)(1) of the Tariff Act: (1) The cash deposit rate for Denki, Mitsui Bussan, and Tosoh will be zero percent; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or in the original LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; (4) the cash deposit rate for Denki/Hoei Sangyo, Suzugo, and Tosoh/Hoei Sangyo will be the rate determined by the last completed administrative review on November 26, 1984 (49 FR 46454); and (5) if neither the exporter nor the manufacturer is a firm covered in this or any previous review conducted by the Department, the cash deposit rate will be the ''all others'' rate established in the LTFV investigation.

These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

This notice serves as the final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 353.34(d). Timely written notification or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of the APO is a sanctionable violation.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated May 31, 1996.

Paul L. Joffe,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96–14622 Filed 6–7–96; 8:45 am]

BILLING CODE 3510–DS–P

[A–570–601]

Final Court Decision and Amended Final Results: 1989–90 Administrative Review of Tapered Roller Bearings and Parts Thereof from the People's Republic of China

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: June 10, 1996.

FOR FURTHER INFORMATION CONTACT: John Beck, Office of Antidumping Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone: (202) 482–3464.

Summary:

On February 27, 1996, in the case of *UCF America Inc. and Universal Automotive Co. Ltd.* v. *United States and the Timken Company,* Cons. Ct. No. 92–01–00049, Slip Op. 96–42 (UCF), the United States Court of International Trade (the Court) affirmed the Department of Commerce's (the Department's) results of redetermination on remand of the *Final Results of Sales at Less Than Fair Value: 1989–1990 Administrative Review of Tapered Roller Bearings and Parts Thereof from the People's Republic of China.* As there is now a final and conclusive court decision in this action, we are amending our final results in this matter and will instruct the U.S. Customs Service to change the cash deposit and assessment rates accordingly.

SUPPLEMENTARY INFORMATION:

Background

During 1987, the Department completed its investigation of tapered roller bearings from the People's Republic of China (*Final Determination of Sales at Less Than Fair Value: Tapered Roller Bearings From the People's Republic of China* (52 FR 19748, May 27, 1987)). In addition to setting a rate for Premier Bearing (a Hong Kong trading company), the Department issued an ''all others'' rate of 0.97 percent.

Subsequently, interested parties challenged the final determination. The Court remanded the case and, on February 26, 1990, the Department issued an amendment to the final determination (*Amendment to Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order in Accordance With Decision Upon Remand: Tapered Roller Bearings From the People's Republic of China* (55 FR 6669, Feb. 26, 1990)). In its amendment, the Department issued a new ''all others'' rate of 2.96 percent.

On July 26, 1990, the Department initiated the third administrative review of tapered roller bearings from the People's Republic of China, covering the period June 1, 1989 through May 31, 1990 (*Initiation of Antidumping Duty Administrative Reviews* (55 FR 30490, July 26, 1990)). The Department initiated on CMEC (a state trading company) and Premier.

In 1991, the Department established a new policy concerning non-market economies. Under this policy, all non-market economy exporters are presumed to be a single enterprise controlled by the central government, which receives a single rate (the ''PRC rate'') (*see* the *Final Determination of Sales At Less Than Fair Value: Heavy Forged Hand Tools, Finished or Unfinished, With or Without Handles, From the People's Republic of China* (56 FR 241, Jan. 3, 1991); and *Final Results of Antidumping Duty Administrative Review: Iron Construction Castings from the People's Republic of China* (56 FR 2742, Jan. 24, 1991)). A company is entitled to a separate rate only if it establishes that it is not subject to de jure or de facto control by the central government (*see* the *Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the*

People's Republic of China (59 FR 22585, May 2, 1994)).

The Department issued its preliminary results for the third administrative review of TRB's from the PRC on October 4, 1991 (*Preliminary Results of Antidumping Duty Administrative Review: Tapered Roller Bearings and Parts Thereof From the People's Republic of China* (56 FR 50309, Oct. 4, 1991)). The Department preliminarily issued separate rates to all reviewed companies. *Id.* at 50310.

On December 31, 1991, the Department issued its final results (*Final Results of Antidumping Duty Administrative Review: Tapered Roller Bearings and Parts Thereof From the People's Republic of China* (56 FR 67590, Dec. 31, 1991)). The Department issued separate rates for all companies participating in the review. For non-reviewed companies, the Department issued ''an 'all others' rate equal to the highest rate for any company in this administrative review.'' *Id.* at 67597.

Interested parties challenged the results of the third administrative review. On December 5, 1994, the CIT issued its opinion in *UCF America* v. *United States*, 870 F. Supp. 1120 (CIT 1994), remanding the results to the Department. The CIT instructed the Department to: (1) Reinstate the ''all others'' cash deposit rate to unreviewed companies which was applicable prior to the final results for entries which have not become subject to assessment pursuant to a subsequent administrative review; and (2) eliminate the arithmetic error with regard to Jilin's foreign inland freight costs.

The Department filed its remand results on March 6, 1995. In the remand results, the Department: 1) reinstated the PRC rate for the third review at 2.96 percent and 2) corrected the error in the foreign inland freight calculation for Jilin. However, the Department stated that while it agreed that it incorrectly established an ''all others'' rate of 8.83 percent in the final results of the review, its reasoning differed from that of the Court.

On February 27, 1996, the Court sustained the Department's remand results (*see UCF America Inc. and Universal Automotive Co., Ltd.* v. *United States and the Timken Company*, Cons. Ct. No. 92–01–00049, Slip Op. 96–42). The Court stated that it ''sees no basis for a 'PRC rate' but finds that Commerce properly (1) reinstated the 'all others' cash deposit rate of 2.96% to unreviewed companies for entries which have not become subject to assessment pursuant to a subsequent administrative review; and (2) corrected the arithmetic error related to foreign inland freight costs for Jilin Machinery Import and Export Corporation.'' Thus, the Court sustained the rate applied by the Department but rejected the ''PRC rate'' terminology.

On March 29, 1996, the Department published a notice of court decision pursuant to 19 U.S.C. 1516a(e). *Court Decision and Suspension of Liquidation: 1989–1990 Administrative Review of Tapered Roller Bearings and Parts Thereof from the People's Republic of China* (61 FR 14075). In that notice, we stated that we would suspend liquidation until there was a ''conclusive'' decision in the action. Since publication of that notice, the period to appeal has expired and no appeal was filed. Therefore, as there is now a final and conclusive court decision in this action, we are amending our final results.

Although the Department respectfully disagrees with the Court's reasoning on the issue of the applicability of an ''all others'' rate to non-market economy cases, this issue could not be appealed in this case. The Department will appeal this issue in the first action where it amounts to a case or controversy.

Amendment to Final Determination

Pursuant to 19 U.S.C. 1516a(e), we are now amending the final results in the 1989–90 administrative review of tapered roller bearings and parts thereof from the People's Republic of China.

The recalculated margins are as follows:

Manufacturer/Producer/Exporter	Weighted-Average Margin Percentage
Jilin	7.07
All Others Rate	2.96

The Department shall instruct the U.S. Customs Service to change the cash deposit and assessment rates in accordance with the above rates.

Dated: June 4, 1996.

Paul L. Joffe,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96–14604 Filed 6–7–96; 8:45 am]

BILLING CODE 3510–DS–M

University of California, et al.; Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

This is a decision consolidated pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C.

Docket Number: 95–124. Applicant: University of California, Berkeley, CA 94720. Instrument: Electron Microscope, Model EM 300. Manufacturer: Philips, The Netherlands. Intended Use: See notice at 61 FR 6629, February 21, 1996. Order Date: January 31, 1995.

Docket Number: 95–127. Applicant: Armstrong Laboratory, Brooks AFB, TX 78235–5118. Instrument: Electron Microscope, Model CM 120. Manufacturer: Philips, The Netherlands. Intended Use: See notice at 61 FR 6630, February 21, 1996. Order Date: April 28, 1995.

Docket Number: 96–003. Applicant: Mount Holyoke College, South Hadley, MA 01075. Instrument: Electron Microscope, Model CM100. Manufacturer: Philips, The Netherlands. Intended Use: See notice at 61 FR 8041, March 1, 1996. Order Date: July 18, 1995.

Docket Number: 96–005. Applicant: Scripps Research Institute, La Jolla, CA 92037. Instrument: Electron Microscope, Model CM120. Manufacturer: Philips, The Netherlands. Intended Use: See notice at 61 FR 8042, March 1, 1996. Order Date: August 29, 1995.

Docket Number: 96–006. Applicant: The Scripps Research Institute, La Jolla, CA 92037. Instrument: Electron Microscope, Model CM 200. Manufacturer: Philips, The Netherlands. Intended Use: See notice at 61 FR 11613, March 21, 1996. Order Date: August 29, 1995.

Docket Number: 96–009. Applicant: New York University Medical Center, New York, NY 10016. Instrument: Electron Microscope, Model CM 200. Manufacturer: Philips, The Netherlands. Intended Use: See notice at 61 FR 11613, March 21, 1996. Order Date: July 27, 1995.

Comments: None received. Decision: Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as these instruments are intended to be used, was being manufactured in the United States at the time the instruments were ordered. Reasons: Each foreign instrument is a conventional transmission electron microscope (CTEM) and is intended for research or scientific educational uses requiring a CTEM. We know of no CTEM, or any other instrument suited to these purposes, which was being manufactured in the United States either at the time of order of each instrument or at the time of receipt of

application by the U.S. Customs Service.

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 96–14620 Filed 6–7–96; 8:45 am]

BILLING CODE 3510–DS–F

University of South Florida, et al.; Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Instruments

This is a decision consolidated pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 A.M. and 5:00 P.M. in Room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C.

Comments: None received. Decision: Approved. No instrument of equivalent scientific value to the foreign instruments described below, for such purposes as each is intended to be used, is being manufactured in the United States.

Docket Number: 95–041R. Applicant: University of South Florida, St. Petersburg, FL 33701. Instrument: ICP Mass Spectrometer, Model PlasmaQuad. Manufacturer: Fisons Instruments, United Kingdom. Intended Use: See notice at 60 FR 31144, June 13, 1995. Reasons: The foreign instrument provides: (1) sensitivity of 20×10^{7} counts sec^{-1} ppm^{-1} at mass 115, (2) an abundance sensitivity adjustable between 5×10^{-7} and 1×10^{-7} at mass 23, and (3) a detection limit of 2 ppt for Be. Advice Received From: The National Institutes of Health, March 21, 1996.

Docket Number: 95–113. Applicant: Albert Einstein College of Medicine, Bronx, NY 10461. Instrument: Xenon Flash Lamp. Manufacturer: Hi-Tech Ltd., United Kingdom. Intended Use: See notice at 60 FR 64157, December 14, 1995. Reasons: The foreign instrument provides: (1) high-precision quartz optics to permit transmission rates of 97–99% in the UV range, (2) optocoupled isolation and shielded electronics for low-noise, and (3) integrated lamphouse with optics and changeable filters. Advice Received From: The National Institutes of Health, March 28, 1996.

Docket Number: 95–120. Applicant: Albert Einstein College of Medicine, Bronx, NY 10461. Instrument: Stopped-Flow Spectrophotometer, Model SX.17MV. Manufacturer: Applied Photophysics Ltd., United Kingdom. Intended Use: See notice at 61 FR 4768, February 8, 1996. Reasons: The foreign instrument provides: (1) an optical diode array for collecting time dependent absorption spectra from single drive experiments, (2) full anaerobic capability, and (3) multi-tasking software with numerical integration capabilities. Advice Received From: The National Institutes of Health, March 20, 1996.

Docket Number: 95–121. Applicant: University of California, Santa Barbara, Santa Barbara, CA 93106. Instrument: RF Reactive Atom Source. Manufacturer: Oxford Applied Research, United Kingdom. Intended Use: See notice at 61 FR 6629, February 21, 1996. Reasons: The foreign instrument provides an ion beam with: (1) less kinetic energy to minimize damage to nitride thin-film substrates, and (2) less electromagnetic interference with associated instruments than electron cyclotron resonance ion sources. Advice Received From: The Naval Research Laboratory and a domestic manufacturer of related instruments, March 28, 1996.

Docket Number: 95–125. Applicant: Pennsylvania State University, University Park, PA 16802. Instrument: Dilution Refrigerator/Gradient Magnet System, Model KelvinOx100. Manufacturer: Oxford Instruments, Inc., United Kingdom. Intended Use: See notice at 61 FR 6629, February 21, 1996. Reasons: The foreign instrument provides: (1) a superconducting magnet yielding up to 30T/m magnetic field gradient in a 8T homogeneous field, (2) 13mm access port for top-loading samples, and (3) IEEE interface for computer controlled operation. Advice Received From: The National Institutes of Health, March 20, 1996.

Docket Number: 95–126. Applicant: University of Florida, Gainesville, FL 32611–7200. Instrument: Electron Paramagnetic Resonance Spectrometer, Model ESP 300E–10/2.7. Manufacturer: Bruker Analytische Messtechnik GmbH, Germany. Intended Use: See notice at 61 FR 6630, February 21, 1996. Reasons: The foreign instrument provides: (1) the ability to perform time-resolved EPR experiments at 10 ns time-resolution, (2) preamplifier bandwith up to 200 MHz, and (3) a microwave source with signal/noise of 300:1 and wide dynamic range to 60 dB. Advice Received From: The National Institutes of Health, March 21, 1996.

Docket Number: 96–002. Applicant: DHHS/Food and Drug Administration, Jefferson, AR 72079. Instrument: ICP Mass Spectrometer, Model PlasmaQuad XR. Manufacturer: Fisons Instruments, United Kingdom. Intended Use: See notice at 61 FR 8041, March 1, 1996. Reasons: The foreign instrument provides a time resolved data acquisition and analysis system and software permitting capture of mass spectra in time slices. Advice Received From: The National Institutes of Health, March 25, 1996.

Docket Number: 96–004. Applicant: University of California at Berkeley, Berkeley, CA 94720. Instrument: Mass/Energy Spectrometer. Manufacturer: Hiden Analytical Ltd., United Kingdom. Intended Use: See notice at 61 FR 8042, March 1, 1996. Reasons: The foreign instrument provides a specialized mass spectrometer for diagnostic analysis of low energy (0–30 eV kinetic energy) and high purity (>99.9999%) activated nitrogen sources for the growth of GaN thin films. Advice Received From: The Naval Research Laboratory, March 28, 1996.

Docket Number: 96–007. Applicant: U. S. Department of Commerce, NOAA, Boulder, CO 80303. Instrument: Stable Isotope Mass Spectrometer, Model OPTIMA. Manufacturer: Fisons Instruments, United Kingdom. Intended Use: See notice at 61 FR 8042, March 1, 1996. Reasons: The foreign instrument provides: (1) a dual viscous inlet to permit analysis of up to 56 samples without the need for operator intervention, (2) absolute sensitivity for CO_2 of one mass-44 ion per 1000 molecules, and (3) instrument resolution (M/δM) equal to or greater than 100 utilizing 10% valley definition. Advice Received From: The National Institutes of Health, March 27, 1996.

Docket Number: 96–010. Applicant: University of New Mexico, Albuquerque, NM 87131. Instrument: Mass Spectrometer, Model VG Sector 54. Manufacturer: Fisons Instruments, United Kingdom. Intended Use: See notice at 61 FR 11613, March 21, 1996. Reasons: The foreign instrument provides: (1) a wide aperture retarding potential filter with a sensitivity of 20 ppb, (2) a Daly multiplier ion-counting detector with additional analog mode capability, and (3) gain stability of better than 0.1%/hr. Advice Received From: The National Institutes of Health, March 27, 1996.

Docket Number: 96–011. Applicant: National Institute of Standards and Technology, Gaithersburg, MD 20899–0001. Instrument: Laser Tracker, Model SMART 310. Manufacturer: Leica Inc., Switzerland. Intended Use: See notice at 61 FR 11614, March 21, 1996. Reasons: The foreign instrument provides an off-the-shelf servo-controlled tracking, laser-based interferometric coordinate measuring system of proprietary design for remotely measuring the dimensional accuracy of large objects. Advice

Received From: The National Institutes of Health, March 27, 1996.

The National Institutes of Health, the Naval Research Laboratory, and a domestic manufacturer of related instruments advise that (1) the capabilities of each of the foreign instruments described above are pertinent to each applicant's intended purpose and (2) they know of no domestic instrument or apparatus of equivalent scientific value for the intended use of each instrument.

We know of no other instrument or apparatus being manufactured in the United States which is of equivalent scientific value to any of the foreign instruments.

Frank W. Creel

Director, Statutory Import Programs Staff.

[FR Doc. 96–14621 Filed 6–7–96; 8:45 am]

BILLING CODE 3510–DS–P

[C–559–001]

Certain Refrigeration Compressors from the Republic of Singapore; Preliminary Results of Countervailing Duty Administrative Review

AGENCY: International Trade Administration/Import Administration/ Department of Commerce.

ACTION: Notice of Preliminary Results of Countervailing Duty Administrative Review.

SUMMARY: The Department of Commerce is conducting an administrative review of the agreement suspending the countervailing duty investigation on certain refrigeration compressors from the Republic of Singapore. We preliminarily determine that the signatories have complied with the terms of the suspension agreement during the period April 1, 1993, through March 31, 1994. We invite interested parties to comment on these preliminary results. Parties who submit arguments in this proceeding are requested to submit with their argument (1) a statement of the issue and (2) a brief summary of the argument.

EFFECTIVE DATE: June 10, 1996.

FOR FURTHER INFORMATION CONTACT: Rick Johnson or Jean Kemp, Office of Agreements Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230; telephone: (202) 482–3793.

SUPPLEMENTARY INFORMATION:

Background

On November 30, 1994, the Government of the Republic of Singapore (GOS), Matsushita Refrigeration Industries (Singapore) Pte. Ltd. (MARIS), and Asia Matsushita Electric (Singapore) Pte. Ltd. (AMS), requested an administrative review of the agreement suspending the countervailing duty investigation on certain refrigeration compressors from the Republic of Singapore (48 FR 51167, November 7, 1983). We initiated the review, covering the period April 1, 1993, through March 31, 1994, on December 15, 1994 (59 FR 64650–1). The Department of Commerce (the Department) sent out a questionnaire on February 27, 1995, and received a joint questionnaire response from the GOS, MARIS, and AMS, on April 26, 1995. Subsequently, the Department sent out a supplemental questionnaire on July 31, 1995 and received a joint supplemental questionnaire response on August 25, 1995. Finally, the Department sent out a second supplemental questionnaire on September 21, 1995 and received a joint supplemental questionnaire response on October 2, 1995.

The final results of the last administrative review in this case were published on March 13, 1996 (60 FR 10315–18), which is on file in the Central Records Unit (room B–099 of the Main Commerce Building).

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute and to the Department's regulations are in reference to the provisions as they existed on December 31, 1994. However, references to the Department's *Countervailing Duties; Notice of Proposed Rulemaking and Request for Public Comments* (54 FR 23366; May 31, 1989) (*Proposed Regulations*), are provided solely for further explanation of the Department's countervailing duty practice. Although the Department has withdrawn the particular rulemaking proceeding pursuant to which the *Proposed Regulations* were issued, the subject matter of these regulations is being considered in connection with an ongoing rulemaking proceeding which, among other things, is intended to conform the Department's regulations to the Uruguay Round Agreements Act. *See* 60 FR 80 (January 3, 1995).

Scope of Review

Imports covered by this review are shipments of hermetic refrigeration compressors rated not over one-quarter horsepower from Singapore. This merchandise is currently classified under *Harmonized Tariff Schedule* (HTS) item number 8414.30.40. The HTS item number is provided for convenience and Customs purposes. The written description remains dispositive.

The review period is April 1, 1993 through March 31, 1994, and includes 6 programs. The review covers one producer and one exporter of the subject merchandise, MARIS and AMS, respectively. These two companies, along with the GOS, are the signatories to the suspension agreement.

Under the terms of the suspension agreement, the GOS agrees to offset completely the amount of the net bounty or grant determined by the Department in this proceeding to exist with respect to the subject merchandise. The offset entails the collection by the GOS of an export charge applicable to the subject merchandise exported on or after the effective date of the agreement. *See Certain Refrigeration Compressors from the Republic of Singapore: Suspension of Countervailing Duty Investigation,* 48 FR 51167, 51170 (November 7, 1983).

Analysis of Programs

(1) The Economic Expansion Incentives Act—Part VI

The Production for Export Programme under Part VI of the Economic Expansion Incentives Act allows a 90-percent tax exemption on a company's export profit if the GOS designates a company as an export enterprise. In the investigation, the Department preliminarily found this program to be countervailable because ''this tax exemption is provided only to certified export enterprises.'' *See Preliminary Affirmative Countervailing Duty Determination: Certain Refrigeration Compressors from the Republic of Singapore,* 48 FR 39109, 39110 (August 29, 1983). MARIS is designated as an export enterprise and used this tax exemption during the period of review. AMS was not designated an export enterprise under Part VI of the Economic Expansion Incentives Act for the period of review.

According to the Export Enterprise Certificate awarded to MARIS in a letter dated May 12, 1981, MARIS is to receive this benefit on the production of compressors, electrical parts and accessories for refrigerators, and plastic refrigerators. To calculate the benefit, we divided the tax savings claimed by MARIS under this program by the f.o.b. value of total exports of products receiving the benefit, for the period of review.

MARIS' response to the Department's countervailing duty questionnaire for this review indicated that MARIS deducted export charges levied pursuant to the suspension agreement in

arriving at an adjusted profit figure, which was then used to calculate exempt export profit for the review period. In the eighth administrative review, the Department determined that the amount of the export charge deduction must be added ''back to MARIS' export profit in calculating MARIS' tax savings in order to offset the deduction of the export charges in the review period.'' *See Preliminary Results of Countervailing Duty Review: Certain Refrigeration Compressors from Singapore,* 57 FR 31175 (July 14, 1992), upheld in *Final Results of Countervailing Duty Review: Certain Refrigeration Compressors from Singapore,* 57 FR 46539 (October 9, 1992). Therefore, as the Department did in the tenth administrative review, in calculating the benefit from this program, we have added back this deduction. On this basis, we preliminarily determine the benefit from this program during the review period to be 2.20 percent of the f.o.b. value of the merchandise.

(2) Finance & Treasury Center (FTC)

The Finance & Treasury Center Program allows for the taxation at a concessionary rate of 10 percent on certain income earned by companies providing treasury, investment, or financial services in Singapore for their subsidiaries/affiliates outside Singapore. The FTC program under Section 43E of the Singapore Income Tax Act has been in effect since April 1, 1989 (since Singapore tax ''year of assessment 1991''). According to the response, 10 companies' applications to the FTC program had been received and approved by March 31, 1994, including AMS. Every company which has applied to the program has been accepted. MARIS did not participate in the program for the period of review.

The Department examined this program in the tenth review and found it to be *de facto* specific, and therefore countervailable. *See Certain Refrigeration Compressors from Singapore; Final Results of Countervailing Duty Administrative Review (''Final Results''),* 60 FR 10315–16 (March 13, 1996). The Department also stated in its preliminary results for the tenth review that, ''(b)ecause it is probable that participation in the FTC program by MNCs in Singapore could change over time, in future reviews we may re-examine the circumstances which have led the Department to find the program *de facto* specific, should any new information about the program's specificity arise.'' *See Certain Refrigeration Compressors from the Republic of Singapore: Preliminary Results of Countervailing Duty Administrative Review (''Preliminary Results''),* 59 FR 59749, 59750 (November 18, 1994).

Because the numbers for firms and industries participating remain unchanged from the tenth review, the Department continues to find the FTC program *de facto* specific, and therefore countervailable.

To calculate the benefit, we divided the tax savings attributable to the subject merchandise under this program by the value of all AMS product sales for the period of review. On this basis, we preliminarily determine the benefit from this program during the review period to be 0.02 percent of the f.o.b. value of the merchandise.

(3) The Investment Allowance Program

The Investment Allowance Program under Part X of the Economic Expansion Incentives Act provides tax allowances for investment in automated/mechanized systems. The program is available to companies engaged in the manufacturing of any product, the provision of services, or any of a wide variety of additional activities. In the tenth administrative review, the Department determined that this program is not countervailable. (*See Preliminary Results* at 59751, upheld in the *Final Results,* 10315). Additionally, according to the response, AMS (which has qualified for this program) did not use this program for the period of review. Therefore, barring new information, the Department will not consider this program in future reviews.

(4) Technical Assistance Fees/Royalty Payments

Under Part IX of the Economic Expansion Incentives Act, payment by Singaporean companies of license, royalty, and technical assistance fees to offshore companies is exempted from withholding tax in Singapore. MARIS receives tax exempt treatment for its payment of technical assistance fees to its Japanese parent and to another related party in Japan. AMS did not use this program during the period of review.

However, in the tenth administrative review, the Department concluded that there was no evidence on the record to indicate that the TAF program provided any direct or indirect benefits, including countervailable benefits, for the period of review. *See Final Results* at 10317–18. The Department has no evidence that the program operated differently for this review period. Therefore, absent new information, the Department will not consider this program in future reviews.

(5) Operational Headquarters Program

The Operational Headquarters Program (OHQ) is a program under which companies are eligible to receive certain tax concessions for up to ten years on income arising from a company's overseas affiliated companies. Income arising from the provision of qualifying services is subject to a concessionary tax rate of 10 percent. AMS had OHQ status during the period of review, while MARIS did not.

In the *Final Results* (at 10317) of the tenth review, the Department stated that it ''found in previous reviews and verified in [the tenth] review that no benefits are conferred upon the subject merchandise.'' For the current period of review, the Department notes that the terms of the program regarding qualifying income in the case of AMS have not changed in such a way as to qualify any of AMS' income related to subject merchandise. Therefore, the Department preliminarily determines that because AMS has not used this program in connection with the subject merchandise, the OHQ program confers no benefits which would be countervailable under the terms of the suspension agreement.

(6) Financing through the Monetary Authority of Singapore

Under the terms of the suspension agreement, MARIS and AMS agreed not to apply for or receive any financing provided by the rediscount facility of the Monetary Authority of Singapore for shipments of the subject merchandise to the United States. We determined during the review that neither MARIS nor AMS received any financing through the Monetary Authority of Singapore on the subject merchandise exported to the United States during the review period. Therefore, we preliminarily determine that both companies have complied with this clause of the agreement.

Preliminary Results of Review

The suspension agreement states that the GOS will offset completely with an export charge the net bounty or grant calculated by the Department. As a result of our review, we preliminarily determine that the signatories have complied with the terms of the suspension agreement, including the payment of the provisional export charges in effect for the period April 1, 1993 through March 31, 1994. We also preliminarily determine the net bounty or grant to be 2.22 percent of the f.o.b. value of the merchandise for the April

1, 1993 through March 31, 1994 review period.

Following the methodology outlined in section B.4 of the agreement, the Department preliminarily determines that, for the period April 1, 1993 through March 31, 1994, a negative adjustment may be made to the provisional export charge rate in effect. The adjustments will equal the difference between the provisional rate in effect during the review period and the rate determined in this review, plus interest. This rate, established in the notice of the final results of the eighth administrative reviews of the suspension agreement, was 5.52 percent. *See Certain Refrigeration Compressors from the Republic of Singapore; Final Results of Countervailing Duty Administrative Review*, 57 FR 46540 (October 9, 1992). The GOS may refund or credit, in accordance with section B.4.c of the agreement, the difference, plus interest, calculated in accordance with section 778(b) of the Tariff Act, within 30 days of notification by the Department. The Department will notify the GOS of these adjustments after publication of the final results of this review.

If the final results of this review remain the same as these preliminary results, the Department intends to notify the GOS that the provisional export charge rate on all exports to the United States with Outward Declarations filed on or after the date of publication of the final results of this administrative review shall be 2.22 percent of the f.o.b. value of the merchandise.

The agreement can remain in force only as long as shipments from the signatories account for at least 85 percent of imports of the subject refrigeration compressors into the United States. Information on the record of this review indicates that the two signatory companies accounted for 100 percent of imports into the United States from Singapore of this merchandise during the review period.

Parties to the proceeding may request disclosure of the calculation methodology and interested parties may request a hearing not later than 10 days after the date of publication of this notice. Pursuant to 19 CFR 355.38(c), interested parties may submit written comments in case briefs on these preliminary results within 30 days of the date of publication. Rebuttal briefs, limited to arguments raised in case briefs, may be submitted seven days after the time limit for filing the case brief. Any hearing, if requested, will be held seven days after the scheduled date for submission of rebuttal briefs. Copies of case briefs and rebuttal briefs must be served on interested parties in accordance with 19 CFR 355.38(e).

Representatives of parties to the proceeding may request disclosure of proprietary information under administrative protective order no later than 10 days after the representative's client or employer becomes a party to the proceeding, but in no event later than the date the case briefs are due.

The Department will publish the final results of this administrative review, including the results of its analysis of issues raised in any case or rebuttal brief, or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 355.22.

Dated: June 4, 1996.

Paul L. Joffe,

Acting Assistant Secretary for Import Administration.

[FR Doc. 96–14623 Filed 6–7–96; 8:45 am]

BILLING CODE 3510–DS–P

National Oceanic and Atmospheric Administration

[Docket No. 960322092–6159–02; I.D. 032596B]

RIN 0648–ZA19

Gulf of Mexico Fisheries Disaster Program

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final notice of availability of Federal assistance.

SUMMARY: NMFS establishes a Gulf of Mexico Fisheries Disaster Program (Program) that will provide $5 million in financial assistance to commercial fishermen who suffered uninsured fishing vessel or gear damage or loss caused by hurricanes, floods, or their aftereffects. Assistance will be in the form of a discretionary grant only; this notice does not create an entitlement program.

DATES: Applications must be received by close of business October 7, 1996.

ADDRESSES: Applications should be sent to Charles L. Cooper, Program Leader, Financial Services Division, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. Comments regarding the burden-hour estimate or any other aspect of the collection-of-information requirement contained in this notice should be sent to the same address.

FOR FURTHER INFORMATION CONTACT: Charles L. Cooper, Program Leader, (301) 713–2396.

SUPPLEMENTARY INFORMATION: On August 2, 1995, the Secretary of Commerce (Secretary) declared fisheries disasters in the Pacific Northwest, New England and the Gulf of Mexico (Gulf). The Secretary stated that the Gulf disaster arose from hurricanes and floods, and their aftereffects, occurring from August 23, 1992, through December 31, 1995. Commercial fishing vessels and gear were damaged or lost either as a direct result of these events or through contact with underwater hazards created by the storms and floods. Under the authority of the Interjurisdictional Fisheries Act (IFA) of 1986 (16 U.S.C. 4107(d)), as amended, a total of $5 million in Federal financial assistance is available to commercial fishermen in the Gulf of Mexico for uninsured losses due to vessel or gear loss or damage due to the natural disasters covered by the August 2, 1995, disaster declaration.

On behalf of the Secretary, NMFS published a Notice of Proposed Program on April 1, 1996 (61 FR 14293), to solicit public comments. In addition, the NOAA Office of Sustainable Development and Intergovernmental Affairs conducted three town meetings in Texas, Louisiana, and Florida, respectively, in order to solicit public comment on the proposed program.

Comments received in writing or from public meetings in response to the proposed program are summarized and responded to in this document.

During the comment period, Congress amended the IFA to provide NMFS with more program flexibility. Pursuant to these amendments, fishermen may now recover up to 100 percent of their uninsured loss, and fishermen who earn less than $2 million in net revenues annually from commercial fishing are now eligible to participate in the program.

Comments and Responses

NMFS received 11 written responses to the proposed program. In addition, several points were raised on the record during the public meetings. In total, NMFS identified the following 10 distinct comments on the proposed program.

Comment: Eight commenters suggested expanding the area eligible for assistance beyond the Gulf of Mexico to include other Florida coastal areas affected by the weather events that were the subject of the declared fisheries disasters.

Response: The IFA provides for assistance to fishermen affected by declared fisheries disasters. The

Secretary's disaster declaration limited the weather-related fisheries disasters to the Gulf of Mexico, which NMFS has defined as bordered on the east by the Florida Dade/Monroe County line and including Florida Bay and the Florida Keys. Consequently, weather-related losses in other areas are not eligible for assistance at this time.

Comment: One commenter suggested that vessel damage be eligible for compensation.

Response: NMFS proposed to limit assistance for eligible weather-related damage to fishing gear only because commercial insurance was available for vessel losses. However, information from Federal and state officials, as well as compelling public testimony, indicates a significant amount of vessel damage caused by the declared disasters. Therefore, NMFS has determined that assistance may also be provided for uninsured vessel loss or damage. Individual uninsured losses will be compensated for the amount of the uninsured loss, or for an amount not to exceed $7,500, whichever is less.

Comment: Two commenters suggested that economic and property losses suffered by commercial fisheries support industries should be eligible for compensation.

Response: The IFA limits assistance ''to persons engaged in commercial fisheries * * *.'' NMFS interprets this to mean only persons engaged in actual fishing or operation of a charter boat or head boat operation. Consequently, losses suffered by support industries are not eligible for assistance.

Comment: One commenter suggested that damage caused by tropical storms be eligible for assistance.

Response: The IFA provides that Federal assistance will be available only to commercial fishermen for harm arising from Hurricane Hugo, Hurricane Andrew, Hurricane Iniki, or any other natural disaster. The Secretary limited the definition of disasters of the magnitude foreseen by the IFA to hurricanes, as well as the devastating Mississippi River floods of 1993 and 1994, and their aftereffects. Consequently, damage due to tropical storms is ineligible under this program.

Comment: One commenter suggested that a 45-day application period is too short, given the time elapsed since some of the eligible disasters and the fishermen's difficulty in assembling application information pertaining to these disasters.

Response: NMFS agrees. The application period is increased to 120 days.

Comment: Many commenters at the public meetings in Texas, Louisiana, and Florida stressed that the scale of damage from eligible causes was so great that a cap of $5,000 on compensation on individual applications and $15,000 on aggregate applications from a single entity is inadequate.

Response: NMFS agrees. Individual uninsured losses will now be compensated for the amount of the uninsured loss or for an amount not to exceed $7,500, and up to $22,500 in the aggregate, whichever is less.

Comment: Six commenters suggested that the program include charter boat owners or operators.

Response: Because the program will now include vessel damage or loss, NMFS has decided to extend financial assistance to charter or head boat owners or operators. Therefore, the definition of ''fisherman'' now includes those persons providing a vessel for hire that carries recreational fishermen to engage in fishing for a fee.

Comment: Many commenters at the public meetings felt the program should compensate for the fishermen's cost of labor since most fishermen repair their own gear.

Response: While NMFS recognizes that many fishermen repair their own gear and vessels, labor cost would be difficult to document and would present significant verification concerns. In the interests of fair and efficient administration of the program, labor costs will not be reimbursed. Fishermen may recover, however, the costs of material used to repair their vessel or gear, subject to the conditions and limitations set forth in this notice.

Comment: Many commenters at the public meetings felt that the program application requires too much information.

Response: In order to avoid fraud and abuse of the program, applicants must provide sufficient documentation to prove all circumstances necessary to qualify for assistance. Therefore, NMFS requires the information requested in order to make accurate assessments of each alleged uninsured loss. However, the program allows for provision of alternative documentation if certain information cannot be obtained by the applicant. It is within the NMFS Financial Services Division's discretion to determine whether the documentation will be considered.

Comment: One commenter suggested that financial assistance should be limited only to Hurricane Andrew victims.

Response: Pursuant to the IFA, the Secretary announced that emergency aid would be available for persons engaged in commercial fishing who suffered from the declared fishery resource disasters arising from hurricanes, floods, or their aftereffects. Therefore, this assistance cannot be limited to victims of Hurricane Andrew.

I. Definitions

Application means an application under this program.

Applicant means an applicant under this program.

Award means an approved grant under this program.

Day means a calendar day.

Division means the Financial Services Division, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1315 East-West Highway, Silver Spring, MD 20910.

Eligible cause means any hurricane or flood, or its aftereffects, during a period from August 23, 1992, through December 31, 1995 (including, but not limited to: Wind, waves, rising waters, and the debris or other obstructions caused by them or carried by them).

Eligible waters means all state, Federal, and estuarine waters in the Gulf of Mexico, which is bounded in the east by the Florida Dade/Monroe County line and includes Florida Bay and the Florida Keys.

Fisherman means any natural or legal person who (1) Owns or leases a fishing vessel and/or fishing gear, or provides a vessel for hire that carries recreational fishermen to engage in fishing for a fee, (2) derives more than 50 percent of annual income from fishing, (3) has net revenues of less than $2 million annually from commercial fishing, and (4) is a U.S. citizen or permanent resident alien.

Fishing means the legal harvesting of all types of aquatic animal and plant life (except marine mammals and birds) for the purpose of selling those catches into normal commercial distribution channels with the intent of earning a profit, or the provision of a vessel for hire that carries recreational fishermen to engage in fishing for a fee.

Gear means all legal fishing gear and equipment including, but not limited to, nets, winches, and motor parts, and fixed gear such as pots, traps, and pound nets.

Ineligible causes means any causes other than eligible causes, including (but not limited to) negligence.

Loss means damage to or loss of gear or damage to vessels caused by eligible causes in eligible waters for which compensation has not been received, or will not be received, from insurance companies, state, or Federal programs

(other than this program), or any other sources.

Loss gear means the gear for the loss of which an applicant is submitting an application under this program.

Loss trip means the trip of the loss vessel during which the loss actually occurred (or, in the case of fixed gear, both the trip in which the loss gear was deployed and the trip in which the loss gear's loss was first discovered).

Loss vessel means the vessel that was lost or damaged or from which the loss gear was, or last had been, deployed at the time of its loss.

Negligence includes, but is not limited to, failure to: (1) Remain outside any navigation safety zone established around any offshore energy activities or other obstructions by any Federal or state authority; (2) avoid obstructions recorded on nautical charts or in the Notice to Mariners in effect at least 15 days before the loss or marked by a buoy or other surface marker (casualties occurring within a one-quarter mile (0.4 kilometer) radius of obstructions so recorded or marked are presumed to involve the negligence or fault of the claimant); (3) abide by established Coast Guard navigational rules; or (4) use due care and diligence to avoid or mitigate the damage or loss.

Notice means this final notice of availability of Federal assistance.

Program means this program under the notice.

Repair cost means the cost (at the time of loss) of repairing loss gear or vessel, including material costs for fishermen repairing their own gear.

Replacement cost means the cost (at the time of loss) of replacing loss gear.

Vessel means any fishing vessel, boat, or other water craft documented under the laws of the United States or registered under the laws of any state of the United States and used for fishing or activities directly related to fishing.

II. Eligibility

The Program is available only to fishermen for the repair cost or replacement cost of fishing vessels and/or fishing gear loss in eligible waters due to eligible causes.

III. Documentation Requirements

Applicants must provide sufficient documentation to prove all circumstances necessary to qualify for assistance (including, but not limited to, documentation evidencing that loss was more likely than not due to eligible causes). Specific types of documentation requested are identified in Section VIII below. Other documentation considered to be relevant by applicants may also be submitted. It will be within the Division's discretion to determine whether the documentation will be considered.

IV. Amount

Each award shall be for up to 100 percent of the uninsured loss, except that (1) no award will exceed $7,500 and (2) no applicant will receive aggregate awards from multiple applications totaling more than $22,500.

V. Who May Apply

Only U.S. citizens or permanent resident aliens who meet the definition of fisherman as set out in this notice, and who owned or leased the loss gear or vessel at the time the loss or damage occurred may apply. Lessors may not apply unless they bore the risk of the vessel or gear's loss.

VI. When to Apply

Applications will be accepted during a 120-day period that begins on the date of publication of the final notice in the Federal Register. Applications received after this period will not be considered.

If applications are sent by U.S. mail, their submission dates are the same as their postmark dates. If applications are sent any other way, their submission dates are the dates the Division receives them. All applications will be considered on a first-come/first-serve basis from the date of acceptance.

VII. Where to Apply

Applicants must send applications to the Division (see **ADDRESSES**). All other correspondence or questions about this program or applications under it must also be addressed to the Division.

VIII. Application Contents

Applicants must submit applications on forms provided by the Division. Proprietary information submitted by applicants will only be disclosed to Federal officials who are responsible for the program unless otherwise required by court order or other applicable law. All information submitted is subject to disclosure under the Freedom of Information Act.

Applicants may receive application forms (and NOAA Federal Assistance Application Kits) by calling or writing the Division (see **ADDRESSES**). All applications must include at least the following items:

(1) The applicant's name, social security number, tax identification number, mailing address, telephone number, citizenship, and whether the applicant owned or leased the loss gear and/or loss vessel during the loss trip.

(2) If the loss vessel is documented under Federal law, a copy of the loss vessel's Certificate of Documentation (U.S. Coast Guard Form 1270).

(3) If the loss vessel is registered under state law, a copy of the registration or title document issued by the registering state.

(4) If the loss vessel is leased, a copy of the lease and the name, mailing address, and telephone number of the loss vessel's lessor (the legal owner from which the applicant leased the loss vessel). Loss vessel lessees must establish that they bore the risk of the loss vessel's loss.

(5) If the loss gear is leased, a copy of the lease and the name, mailing address, and telephone number of the loss gear's lessor (the legal owner from which the applicant leased the loss gear.) Loss gear lessees must establish that they bore the risk of the loss gear's loss.

(6) A description of the loss vessel's fishing type, size, and capacity.

(7) A full description of the loss gear and how such gear is normally deployed and operated.

(8) If the loss was observed, the date and time of loss.

(9) If the loss was unobserved, the date and time the applicant last saw the loss gear or loss vessel in good condition and the date and time the applicant first discovered the loss gear or vessel's loss.

(10) A full statement of why the applicant believes it is more likely than not that the loss was caused by an eligible cause. The applicant should include in this statement all known evidence relevant to the most likely cause of the loss gear or vessel's loss. The level of detail in this statement must, together with all other information required in this section, be sufficient to clearly and accurately depict all known circumstances relevant to the loss. Photographs and videos of the damage may be submitted in support of the statement. The Division will deem statements that do not meet this criterion to be incomplete. If the time and place of loss are not consistent with the time at which a hurricane or a flood directly affected that place, then the applicant must carefully explain why the applicant believes the loss was more likely than not caused by the aftereffects of a hurricane or flood rather than by other factors (unrelated to hurricanes or floods) normally responsible for such a loss in such a place.

(11) When the loss vessel first left port on the loss trip and when it first returned to port at the end of the loss trip.

(12) Where applicable, the loss vessel's direction, speed, and other

activities immediately before, during, and after the loss.

(13) The name, current mailing address, and telephone number of each person serving during the loss trip as a crew member of the loss vessel (if unavailable, state why).

(14) A sworn, written statement from each loss trip crew member describing his or her knowledge of the loss and the conditions surrounding it and his or her activities immediately before, during, and after the time of the loss (if unavailable, state why).

(15) The location where the loss occurred in Loran C coordinates (or, if the loss vessel did not have Loran C capability, the next most accurate method of position fixing available).

(16) The fullest description possible of the nature and type of any obstruction, debris, or other item involved in causing the loss.

(17) The total purchase cost or total lease cost of the loss vessel or loss gear.

(18) A detailed inventory of all components of the loss gear and the nature of the loss with respect to each component.

(19) Proof of the date, place, and cost of having acquired all loss gear (sales receipts, copies of leases, or other satisfactory evidence).

(20) Evidence that the loss vessel was fishing on the three most recent loss-vessel trips before the loss trip. This evidence may consist of trip tickets for the three trips before the loss trip.

(21) Proof of having replaced or repaired the loss gear or loss vessel (sales receipts, repair invoices, copies of leases, or other satisfactory evidence).

(22) A copy of the applicant's Federal income tax return (including all business schedules) for the year in which the loss occurred (or, if the loss trip occurred in a year for which the applicant has not yet filed a return and the deadline for doing so has not yet passed, then a copy of a return for the latest year for which the filing deadline has passed).

(23) A copy of any state or Federal fishing license, permit, or gear tag receipts, or other state or Federal fishing authorization required for the loss vessel's operation during the loss trip.

(24) Evidence of the applicant's having complied with state or Federal requirements (if any) for reporting the catch results during the loss trip.

All applications will be submitted, and all statements in them made, under a penalty of perjury. A false statement on the application is grounds for denial or termination of funds and grounds for possible punishment by a fine or imprisonment (18 U.S.C. 1001).

It will be within the Division's discretion to accept other documentation that applicants may submit in support of the application-content requirements. The Division may engage in pre-award negotiations with applicants to enable the Division to make a determination concerning acceptable application-content documentation.

IX. Application Processing

(a) *Ineligible or incomplete applications.* The Division will not accept ineligible or incomplete applications. The Division will return these to the applicants with an explanation of why the applications are unacceptable. Any applicant who wishes to have his or her returned application reconsidered for acceptance must respond within 30 days from the date of the Division's letter returning the application. If reconsideration responses render the applications complete, they will be accepted as newly submitted applications with the date of response serving as the submission date for chronological ranking for funding purposes.

(b) *Submission dates for reconsideration responses.* If reconsideration responses are sent by U.S. mail, their submission dates are the same as their postmark dates. If these responses are sent any other way, their submission dates are the dates on which the Division receives them.

X. Determinations

(a) *Chronological precedence.* Chronological precedence for assistance will be determined by application submission dates. Assistance will be made available on a first-come/first-serve basis until the $5 million available for this program has been depleted.

(b) *Delays.* Determinations will be made as soon as possible, but personnel considerations may result in significant processing delays.

(c) *Division disapproval.* If the Division disapproves an application, it will return the application to the applicant and state the reason for its disapproval.

(d) *Approval and disbursement of funds.* If the Division approves an application, it will forward the application to the NOAA Grants Management Division for final approval. If the NOAA Grants Management Division approves the application, it will issue an award and notify the applicant of the award amount and any further requirements upon which the award is contingent.

(e) *Finality.* All Division and NOAA Grants Management Division determinations will be final and conclusive.

XI. Administrative Requirements

All applicants are subject to as much of the following grants administration requirements as may be applicable to these grants.

Applicants to whom awards will be made must submit a Standard Form 424B, ''Assurances—Non-Construction Programs'' and Form CD–511, ''Certification Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying.'' These documents are included in the NOAA Federal Assistance Application Kit.

Prospective participants (as defined at 15 CFR 26.105) are subject to 15 CFR part 26, ''Nonprocurement Debarment and Suspension,'' and the related section of the certification form CD–511 applies.

Grantees (as defined at 15 CFR 26.605) are subject to 15 CFR part 26, subpart F, ''Governmentwide Requirements for Drug-Free Workplace (Grants),'' and the related section of the certification form CD–511 applies.

Any applicant who has paid or will pay for lobbying using any funds must submit an SF-LLL, ''Disclosure of Lobbying Activities,'' as required by law (31 U.S.C. 1352, as amended).

Grant recipients are subject to all Federal laws and Federal and Commerce policies, regulations, and procedures applicable to Federal financial assistance awards.

Applicants are subject to a name check review process. Name checks are intended to reveal if any key individuals associated with the recipient have been convicted of, or are presently facing, criminal charges such as fraud, theft, perjury, or other matters that significantly reflect on the recipient's management, honesty, or financial integrity. A false statement on the application is grounds for denial or termination of funds and for possible punishment by a fine or imprisonment (18 U.S.C. 1001).

Unsatisfactory performance under prior Federal awards may result in an application not being considered for funding.

No award of Federal funds shall be made to an applicant who has an outstanding delinquent Federal debt or fine until: (a) The delinquent account is paid in full; (b) a negotiated repayment schedule is established and at least one payment is received; or (c) other arrangements satisfactory to Commerce are made.

Applicants are hereby notified that they are encouraged, to the extent

feasible, to purchase American-made equipment and products with funding under this program.

If applicants incur any costs prior to an award being made, they do so solely at their own risk of not being reimbursed by the Government. Notwithstanding any verbal or written assurance that may have been received, there is no obligation on the part of Commerce to cover pre-award costs.

If an application is selected for funding, Commerce has no obligation to provide any additional future funding in connection with that award.

Classification

This program has been determined to be not significant for the purposes of E.O. 12866.

Applications under this program are subject to E.O. 12372, ''Intergovernmental Review of Federal Programs.''

The program is listed in the ''Catalogue of Federal Domestic Assistance'' under No. 11.452, Unallied Industry Projects.

This program contains a collection-of-information requirement subject to the Paperwork Reduction Act (PRA). The collection of this information has been approved by OMB (OMB control number 0648–0082). Public reporting burden for preparation of the claim application is estimated to be 10 hours per response including the time for reviewing instructions, gathering and maintaining the documentation, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to NMFS (see **ADDRESSES**). Other requirements mentioned in the notice include Forms 424B and LLL, which are cleared under OMB Control Numbers 0348–0040 and 0348–0046, respectively.

Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the PRA unless that collection of information displays a currently valid OMB control number.

Authority: Public Law 99–659 (16 U.S.C. 4107 *et seq.*); Public Law 102–396.

Dated: June 4, 1996.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

[FR Doc. 96–14591 Filed 6–7–96; 8:45 am]

BILLING CODE 3510–22–W

[I.D. 053096E]

Incidental Take of Marine Mammals; Bottlenose Dolphins and Spotted Dolphins

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of issuance of letters of authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA) as amended, and implementing regulations, notification is hereby given that letters of authorization to take bottlenose and spotted dolphins incidental to oil and gas structure removal activities were issued on May 31, 1996, to Chevron U.S.A., 935 Gravier Street, New Orleans, LA 70112, and Samedan Oil Corporation, 350 Glenborough, Houston, TX 77067.

EFFECTIVE DATE: The letters of authorization are effective from May 31, 1996 through May 30, 1997.

ADDRESSES: The applications and letters are available for review in the following offices: Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910 and the Southeast Region, NMFS, 9721 Executive Center Drive N, St. Petersburg, FL 33702.

FOR FURTHER INFORMATION CONTACT: Kenneth R. Hollingshead, Office of Protected Resources, NMFS, (301) 713–2055 or Charles Oravetz, Southeast Region (813) 570–5312.

SUPPLEMENTARY INFORMATION:

Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 *et seq.*) directs NMFS to allow, on request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region, if certain findings are made and regulations are issued. Under the MMPA, the term ''taking'' means to harass, hunt, capture or kill or to attempt to harass, hunt, capture or kill marine mammals.

Permission may be granted for periods up to 5 years if the Secretary of Commerce finds, after notification and opportunity for public comment, that the taking will have a negligible impact on the species or stock(s) of marine mammals and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses. In addition, NMFS must prescribe regulations that include permissible methods of taking and other means effecting the least practicable adverse impact on the species and its habitat, and on the availability of the species for subsistence uses, paying particular attention to rookeries, mating grounds and areas of similar significance. The regulations must include requirements pertaining to the monitoring and reporting of such taking. Regulations governing the taking of bottlenose and spotted dolphins incidental to oil and gas structure removal activities in the Gulf of Mexico were published on October 12, 1995 (60 FR 53139) and remain in effect until November 13, 2000.

Summary of Request

NMFS received requests for letters of authorization on May 8, 1996, from Chevron U.S.A., and on May 17, 1996, from Samedan Oil Corporation. These letters request a take by harassment of a small number of bottlenose and spotted dolphins incidental to the above mentioned activity. Issuance of these letters of authorization is based on a finding that the total takings will have a negligible impact on the bottlenose and spotted dolphin stocks of the Gulf of Mexico.

Dated: June 4, 1996.

Patricia A. Montanio,

Acting Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 96–14592 Filed 6–7–96; 8:45 am]

BILLING CODE 3510–22–F

[I.D. 052496B]

Marine Fisheries Advisory Committee; Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meetings.

SUMMARY: Notice is hereby given of meetings of the Marine Fisheries Advisory Committee (MAFAC) from July 17 to July 19, 1996.

DATES: The meetings are scheduled as follows:

1. July 17, 1996, 9 a.m. - 5 p.m.
2. July 18, 1996, 8:30 a.m. - 5 p.m.
3. July 19, 1996, 8:30 a.m. - 1 p.m.

ADDRESSES: The meeting will be held at the Silver Spring Holiday Inn, 8777 Georgia Avenue, Silver Spring, MD. Requests for special accommodations may be directed to MAFAC, Office of Management Information, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Richard Wheeler, Executive Secretary; telephone: (301) 713–2252.

SUPPLEMENTARY INFORMATION: As required by section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1982), notice is hereby given of a meeting of MAFAC. MAFAC was established by the Secretary of Commerce (Secretary) on February 17, 1971, to advise the Secretary on all living marine resource matters that are the responsibility of Commerce. This Committee ensures that the living marine resource policies and programs of this Nation are adequate to meet the needs of commercial and recreational fisheries, and environmental, state, consumer, academic, and other national interests.

Matters to be Considered

July 17, 1996—Subcommittee Meetings

(1) Steering Committee
(2) Marine Recreational Fisheries Committee
(3) Protected Resources/Habitat Committee
(4) Seafood Markets and Trade Committee
(5) Commercial Fisheries Committee

July 18, 1996

(1) Report on NMFS Program Briefing
(2) Final report of Bycatch Task Force
(3) Report on the NMFS/NOAA budget(s)
(4) Reports on critical issues facing NMFS

July 19, 1996

(1) Report of subcommittees
(2) Discussion on 1996–1997 areas of focus for Committee
(3) Open panel discussion

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to MAFAC (see **ADDRESSES**).

Dated: May 29, 1996.

Gary Matlock,

Program Management Officer, National Marine Fisheries Service.

[FR Doc. 96–14493 Filed 6–7–96; 8:45 am]

BILLING CODE 3510–22–F

Modernization Transition Committee (MTC); Meeting

ACTION: Notice of public meeting.

TIME AND DATE: June 27, 1996 from 8 a.m. to 5 p.m.

PLACE: This meeting will take place at the Holiday Inn Bethesda Hotel, 1820 Wisconsin Avenue, Bethesda, MD.

STATUS: The meeting will be open to the public. On June 27, 1996, 11 a.m. to 12 p.m. will be set aside for oral comments or questions from the public. Approximately 50 seats will be available on a first-come first-served basis for the public.

MATTERS TO BE CONSIDERED: This meeting will cover: Consultation on 18 final Consolidation Certifications and consultation on Automation Criteria, and a briefing on Closure Criteria.

CONTACT PERSON FOR MORE INFORMATION: Mr. Nicholas Scheller, National Weather Service, Modernization Staff, 1325 East-West Highway, SSMC2, Silver Spring, Maryland 20910. Telephone: (301) 713–0454.

Dated: June 4, 1996.

Nicholas R. Scheller,

Manager, National Implementation Staff.

[FR Doc. 96–14514 Filed 6–7–96; 8:45 am]

BILLING CODE 3510–12–M

[I.D. 052196D]

Marine Mammals; Permit No. 716 (P466)

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Issuance of modification.

SUMMARY: Notice is hereby given that on May 20, 1996, permit no. 716, issued to Mr. Scott D. Kraus, Edgerton Research Laboratory, New England Aquarium, Central Wharf, Boston, MA 02110–3309, was modified.

ADDRESSES: The modification and related documents are available for review upon written request or by appointment in the following offices:

Permits Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130 Silver Spring, MD 20910 (301/712–2289);

Director, Southeast Region, NMFS, 9721 Executive Center Drive North, St. Petersburg, FL 33702–2432 (813/893–3141); and

Director, Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930–2298 (508/281–9250).

SUPPLEMENTARY INFORMATION: The subject modification has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the provisions of paragraphs (d) and (e) of § 216.33 of the regulations of the governing the taking and importing (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the provisions of § 222.25 of the regulations governing the taking, importing, and exporting of endangered fish and wildlife (50 CFR part 222).

Permit no. 716 authorizes the inadvertent harassment of up to 350 right whales (*Eubalaena glacialis*) annually during the course of photo-identification and aerial survey activities. Of these 350 animals, up to 50 may be biopsy sampled annually and up to 10 may be radio tagged annually. The permit holder may also import/export right whale tissues for scientific research purposes. The permit's duration has been extended through August 31, 1996. This is a time extension only and involves no increase in the number of animals authorized to be taken under the permit.

Issuance of this permit as required by the ESA was based on a finding that such permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of the endangered species which is the subject of this permit; and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: May 31, 1996.

Ann D. Terbush,

Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 96–14492 Filed 6–7–96; 8:45 am]

BILLING CODE 3510–22–F

Bureau of the Census

The Census Advisory Committee (CAC) on the African American Population, the CAC on the American Indian and Alaska Native Populations, the CAC on the Asian and Pacific Islander Populations, and the CAC on the Hispanic Population; Notice of Public Meeting

Pursuant to the Federal Advisory Committee Act (P.L. 92–463 as amended by P.L. 94–409, P.L. 96–523, and P.L. 97–375), we are giving notice of a joint meeting followed by separate and concurrently held (described below) meetings of the CAC on the African American Population, the CAC on the American Indian and Alaska Native Populations, the CAC on the Asian and Pacific Islander Populations, and the CAC on the Hispanic Population. The joint meeting will convene on June 20–21, 1996 at the Ramada Inn Seminary Plaza Hotel, 4641 Kenmore Avenue, Alexandria, Virginia 22304.

Each of these Committees is composed of nine members appointed by the Secretary of Commerce. They provide an organized and continuing

channel of communication between the communities they represent and the Bureau of the Census on its efforts to reduce the differential in the count for the 2000 census and on ways the census data can be disseminated to maximum usefulness to their communities and other users.

The Committees will draw on past experience with the 1990 census process and procedures, results of evaluations and research studies, and the expertise and insight of its members to provide advice and recommendations during the research and development phase on various topics, and provide advice and recommendations during the design planning and implementation phases of the 2000 census.

The agenda for the June 20–21 combined meeting will cover the following topics: (1) marketing Census 2000; (2) one number census; (3) administrative records; (4) partnership; and (5) race and ethnicity.

The agendas for the four committees in their separate and concurrently held meetings are as follows:

The CAC on the African American Population: (1) issues from last meeting; (2) review responses to committee recommendations; (3) review background papers; (4) critical census issues and their impact on rural Black America; (5) discussion of committee recommendations; (6) report from the working group on statistical methods; (7) review of topical sessions; (8) agenda items for the next meeting; and (9) elect chairperson-elect.

The CAC on the American Indian and Alaska Native Populations: (1) issues from last meeting; (2) review responses to committee recommendations; (3) review background papers; (4) tribal designated statistical areas; (5) report from the working group on statistical methods; (6) discussion of committee recommendations; (7) review of topical sessions; (8) agenda items for the next meeting; and (9) elect chairperson-elect.

The CAC on the Asian and Pacific Islander Populations: (1) issues from last meeting; (2) review responses to committee recommendations; (3) review background papers; (4) discussion of committee recommendations; (5) report from the working group on statistical methods; (6) review of topical sessions; (7) agenda items for the next meeting; and (8) elect chairperson-elect.

The CAC on the Hispanic Population: (1) issues from the last meeting; (2) review responses to committee recommendations; (3) review background papers; (4) discussion of committee recommendations; (5) report from the working group on statistical methods; (6) review of the topical sessions; (7) agenda items for the next meeting; and (8) elect chairperson- elect.

All meetings are open to the public and a brief period is set aside on June 21, during the closing session, for public comment and questions. To request the specific agenda or those persons with extensive questions, please contact Ms. Diana Harley, the Joint Committees Coordinator. Statements submitted for the record, should be submitted in writing to Ms. Harley, room 3587, Federal Building 3, Washington, D.C. 20233, at least three days before the meeting.

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should also be directed to the Census Bureau Committee Liaison Officer, Ms. Maxine Anderson Brown (301) 457–2308 or TDD (301) 457–2540.

Dated: June 6, 1996.

Bryant Benton,

Deputy Director, Bureau of the Census.

[FR Doc. 96–14690 Filed 6–6–96; 2:38 pm]

BILLING CODE 3510–07–P

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Establishment of Import Restraint Limits for Certain Wool and Man-Made Fiber Textile Products Produced or Manufactured in Bulgaria

June 4, 1996.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing limits.

EFFECTIVE DATE: June 12, 1996.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The Governments of the United States and the Republic of Bulgaria agreed to extend and amend their current Bilateral Textile Agreement, effected by exchange of notes dated December 2 and December 23, 1993, for three consecutive one-year periods beginning on January 1, 1996 and extending through December 31, 1998.

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish the 1996 limits.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 60 FR 65299, published on December 19, 1995). Also see 60 FR 65292, published on December 19, 1995.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

June 4, 1996.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive cancels and supersedes the directive dated January 16, 1996 from the Chairman, Committee for the Implementation of Textile Agreements, which directed you to count imports for consumption and withdrawals from warehouse for consumption of wool textile products in Category 444, produced or manufactured in Bulgaria and exported during the period November 29, 1995 through November 28, 1996. Import charges already made to Category 444 shall be retained.

Under the terms of section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); pursuant to the Bilateral Textile Agreement, effected by exchange of notes dated December 2, 1993 and December 23, 1993, between the Governments of the United States and the Republic of Bulgaria, as amended and extended; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended, you are directed to prohibit, effective on June 12, 1996, entry into the United States for consumption and withdrawal from warehouse for consumption of wool and man-made fiber textile products in the following categories, produced or manufactured in Bulgaria and exported during the twelve-month period beginning on January 1, 1996 and extending through December 31, 1996, in excess of the following levels of restraint:

Category	Twelve-month limit [1]
410/624	2,123,662 square meters of which not more than 813,529 square meters shall be in Category 410.
433	12,000 dozen.
435	21,606 dozen.
442	14,000 dozen.
444	65,526 numbers.
448	24,727 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1995.

Textile products in Categories 433, 442 and 624 which have been exported to the United States prior to January 1, 1996 shall not be subject to this directive.

Textile products in Categories 433, 442 and 624 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1) prior to the effective date of this directive shall not be denied entry under this directive.

Imports charged to these category limits, except Categories 433, 442, 444 and 624, for the period January 1, 1995 through December 31, 1995 shall be charged against those levels of restraint to the extent of any unfilled balances. In the event the limits established for that period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this directive.

For the import period January 1, 1996 through February 29, 1996, there are zero charges for Categories 433 and 624. You are directed to charge 139 dozen to the limit established in this directive for Category 442 for the January 1, 1996 through February 29, 1996 import period. Additional adjustments will be provided at a later date.

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 96–14509 Filed 6–7–96; 8:45 am]

BILLING CODE 3510–DR–F

Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Indonesia

June 4, 1996.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: June 5, 1996.

FOR FURTHER INFORMATION CONTACT: Jennifer Aldrich, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–6704. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Uruguay Round Agreements Act.

The current limits for certain categories are being adjusted for special shift.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 60 FR 65299, published on December 19, 1995). Also see 60 FR 62410, published on December 6, 1995.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing, but are designed to assist only in the implementation of certain of their provisions.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

June 4, 1996.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 30, 1995, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Indonesia and exported during the twelve-month period which began on January 1, 1996 and extends through December 31, 1996.

Effective on June 5, 1996, you are directed to adjust the limits for the following categories, as provided for under the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit [1]
Levels in Group I	
338/339	1,160,196 dozen.
341	784,238 dozen.
347/348	1,580,070 dozen.
350/650	101,936 dozen.
351/651	466,839 dozen.
638/639	1,220,896 dozen.
641	1,962,116 dozen.
647/648	2,722,067 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1995.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc.96–14510 Filed 6–7–96; 8:45 am]

BILLING CODE 3510–DR–F

Adjustment of Import Limits for Certain Cotton, Wool and Man-Made Fiber Textiles and Silk Blend and Other Vegetable Fiber Apparel Produced or Manufactured in Sri Lanka

June 3, 1996.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: June 6, 1996.

FOR FURTHER INFORMATION CONTACT: Helen L. LeGrande, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–6708. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Uruguay Round Agreements Act.

The current limits for certain categories are being adjusted, variously, for swing, special shift, carryover, carryforward, special carryforward, allowance for handloomed products and recrediting of unused special carryforward.

A description of the textile and apparel categories in terms of HTS

numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see Federal Register notice 60 FR 65299, published on December 19, 1995). Also see 60 FR 66265, published on December 21, 1995.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing, but are designed to assist only in the implementation of certain of their provisions.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

June 3, 1996.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on December 15, 1995, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products and silk blend and other vegetable fiber apparel, produced or manufactured in Sri Lanka and exported during the twelve-month period which began on January 1, 1996 and extends through December 31, 1996.

Effective on June 6, 1996, you are directed to adjust the limits for the following categories, as provided for under the Uruguay Round Agreements Act and the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit [1]
237	311,749 dozen.
314	4,790,948 square meters.
331/631	3,154,241 dozen pairs.
333/633	14,396 dozen.
334/634	748,539 dozen.
335/835	342,747 dozen.
336/636/836	500,864 dozen.
338/339	1,497,079 dozen.
340/640	1,439,483 dozen.
341/641	2,276,912 dozen of which not more than 1,579,647 dozen shall be in Category 341 and not more than 1,456,237 dozen shall be in Category 641.
345/845	86,409 dozen.
347/348/847	1,627,871 dozen.
350/650	126,095 dozen.
351/651	402,744 dozen.
352/652	1,376,498 dozen.
359–C/659–C [2]	1,019,959 kilograms.
360	1,523,867 numbers.
363	6,677,066 numbers.
369–D [3]	609,887 kilograms.
369–S [4]	644,686 kilograms.
434	8,309 dozen.
435	17,807 dozen.
440	11,871 dozen.
611	5,309,390 square meters.
635	456,996 dozen.
638/639/838	902,112 dozen.
644	540,409 numbers.
645/646	112,922 dozen.
647/648	1,063,414 dozen.
670–L [5]	8,815,659 kilograms.
840	208,065 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1995.

[2] Category 359–C: only HTS numbers 6103.42.2025, 6103.49.8034, 6104.62.1020, 6104.69.8010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025 and 6211.42.0010; Category 659–C: only HTS numbers 6103.23.0055, 6103.43.2020, 6103.43.2025, 6103.49.2000, 6103.49.8038, 6104.63.1020, 6104.63.1030, 6104.69.1000, 6104.69.8014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.9010, 6211.33.0010, 6211.33.0017 and 6211.43.0010.

[3] Category 369–D: only HTS numbers 6302.60.0010, 6302.91.0005 and 6302.91.0045.

[4] Category 369–S: only HTS number 6307.10.2005.

[5] Category 670–L: only HTS numbers 4202.12.8030, 4202.12.8070, 4202.92.3020, 4202.92.3030 and 4202.92.9025.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 96–14511 Filed 6–7–96; 8:45 am]

BILLING CODE 3510–DR–F

COMMODITY FUTURES TRADING COMMISSION

COMEX Division of the New York Mercantile Exchange: Proposed Amendments to the Silver Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed contract market rule changes.

SUMMARY: The COMEX Division of the New York Mercantile Exchange (COMEX or Exchange) has submitted a proposal to amend its silver futures contract. The amendments would add a new delivery point and facility to the list of Exchange-approved depositories in Supplement No. 2 of the rules of the silver futures contract. The Acting Director of the Division of Economic Analysis (Division) of the Commodity Futures Trading Commission (Commission) has determined that the proposal is of major economic significance and that, accordingly, publication of the proposal is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act. On behalf of the Commission, the Division is hereby providing notice of, and seeking comment on, the proposed amendments.

DATES: Comments should be received on or before July 10, 1996.

ADDRESSES: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC 20581. Reference should be made to the proposed amendments to Supplement No. 2 of the rules of the COMEX silver futures contract.

FOR FURTHER INFORMATION CONTACT: Please contact John Forkkio of the Division of Economic Analysis, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC 20581, telephone 202–418–5281.

SUPPLEMENTARY INFORMATION: The proposed amendments would add a new delivery point and facility to the list of Exchange-approved depositories for the silver futures contract. The new delivery point and facility are respectively, Wilmington, Delaware, and Wilmington Trust Company. The Exchange proposes to make these amendments effective on January 1, 1997. Consequently, the proposed amendments would apply to newly listed and certain currently listed silver futures contracts.[1]

Currently, there are five approved depositories for the silver futures contract, all located in New York City. The Exchange submits that the addition of the Wilmington Trust Company depository in Wilmington, DE to its approved list may increase metals stocks available for delivery and provide greater flexibility for market participants wishing to make or take futures delivery. The NYMEX further noted that:

The addition of Wilmington Trust would have the effect of making the [silver] contract consistent with cash market practices, as was

[1] COMEX silver futures contract months currently are listed out through the year 2000.

the case with [identical changes previously adopted for] the NYMEX platinum and palladium futures contracts. Market participants should, at worst, be indifferent to the addition of a depository in Wilmington, Delaware. In reviewing the data, and in talking with various industry participants, many, in fact, would experience greater flexibility should Wilmington Trust be approved. Approval could also potentially benefit those users of the COMEX silver futures contract who choose to store metal for periods of time rather than remove it immediately from a depository. Consumers or traders who desire to transport silver out of the location in which they receive it would incur a $25 savings in withdrawal charges when removing silver lots from Wilmington Trust that would offset most or all of the difference in transportation costs for large shipments of silver.

In conclusion, other depository facilities located outside of New York City are indeed a part of the physical market for silver in the Northeast U.S., particularly Wilmington Trust. This can be seen by their use by a majority of participants in the silver industry * * *.

The Division requests comments on the proposed amendments and the proposed implementation procedure, including any potential impact on the obligations of traders with open positions or on the value of such positions in the affected months.

The COMEX proposal will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC 20581. Copies of the terms and conditions can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 418–5097.

Other materials submitted by the COMEX in support of the proposal may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 C.F.R. Part 145 (1987)), except to the extent they are entitled to confidential treatment as set forth in 17 C.F.R. 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Act Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 C.F.R. 145.7 and 145.8.

Any person interested in submitting written data, views, or arguments on the proposed amendments, or with respect to other materials submitted by the COMEX in support of the proposal, should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC 20581 by the specified date.

Issued in Washington, DC, on May 31, 1996.

John Mielke,

Acting Director.

[FR Doc. 96–14490 Filed 6–7–96; 8:45 am]

BILLING CODE 6351–01–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Information Collection Activity Proposed

AGENCY: The Corporation for National and Community Service (CNCS).

ACTION: Notice of 60-day review and comment on National Service Trust Interest Accural Form.

SUMMARY: The Office of the Chief Financial Officer announces a 60-day review and comment period during which project sponsors and the public are encouraged to submit comments on suggested revisions to the National Service Trust Interest Accural Form. This information collection is used by AmeriCorps Members enrolled in national service to request interest accrual information for his or her term of service on qualified student loans from lending organizations, and payment of such interest by the Corporation to lending institutions for individuals enrolled in national service who were granted loan forbearance under the National and Community Service Trust Act of 1993.

DATES: CNS will consider comments on the proposed collection of information and recordkeeping requirements received by August 9, 1996, from the date of publication. Copies of the proposed forms and supporting documents may be obtained by contacting CNS.

ADDRESSES: Send comments to both: Gary Kowalczyk, CNS, 1201 New York Avenue, Washington, DC 20525.

FOR FURTHER INFORMATION CONTACT: Gary Kowalczyk, (202) 606–5000, ext. 340.

SUPPLEMENTARY INFORMATION:

Office of the Corporation for National and Community Service Issuing Proposal: Office of the Chief Financial Officer

Title of Form: National Service Trust Interest Accrual Form.

Need and Use: The National and Community Service Trust Act provides the government shall pay interest that accrues on qualified student loans while borrowers are earning an education award following the successful completion of an approved national service position.

Type of Request: Submission of a new collection.

Respondents Obligation To Reply: Use of this particular form is voluntary. A lender may use either this form, or its unique form, as the basis for providing interest accrual information. A Member must comply with the lender's requirements.

Frequency of Collection: Once a year for each year of service.

Estimated Number of Annual Responses: 7,500.

Estimated Annual Reporting or Disclosure Burden: 317 hours.

Regulatory Authority: Public Law 103–82.

Gary Kowalczyk,

Acting Chief Financial Officer.

[FR Doc. 96–14420 Filed 6–7–96; 8:45 am]

BILLING CODE 6050–28–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Specialized Treatment Services (STS) Program

AGENCY: Office of the Secretary, DoD.

ACTION: Notice.

SUMMARY: This notice is to advise interested parties that Wilford Hall Medical Center (WHMC) has been designated the national Specialized Treatment Service facility for liver transplantation. Walter Reed Army Medical Center (WRAMC) has been designated as a collaborating Specialized Treatment Service facility for liver transplantation. All DoD beneficiaries who reside in the 48 contiguous United States and require liver transplantation, Diagnosis Related Group 480, must be evaluated by WHMC or WRAMC before receiving a liver transplant under direct military care or CHAMPUS cost sharing. Evaluation in person is preferred. Travel and lodging costs for the patient and, if medically indicated, one nonmedical attendant, will be reimbursed for the evaluation. It is possible to conduct the evaluation telephonically if the patient is unable to travel to WHMC or WRAMC. If the liver transplant cannot be performed at WHMC or WRAMC, WHMC will provide a medical necessity review in order to support its issuance of a Nonavailability Statement.

EFFECTIVE DATE: July 15, 1996.

FOR FURTHER INFORMATION CONTACT:

Transplantation Service, WHMC, at (210) 670–6516, Organ Transplantation Service, WRAMC, at (202) 782–6462, or Colonel Dunn, OSD (Health Affairs), at (703) 695–6800.

SUPPLEMENTARY INFORMATION: In FR DOC 93–27050, appearing in the Federal Register on November 5, 1993 (Vol. 58, FR 58955–58964), the final rule on the STS Program was published. Included in the final rule was a provision that notices of all military and civilian STS facilities be published in the Federal Register annually.

Dated: June 5, 1996.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96–14585 Filed 6–7–96; 8:45 am]

BILLING CODE 5000–04–M

Defense Policy Board Advisory Committee; Meeting

ACTION: Notice of advisory committee meeting.

SUMMARY: The Defense Policy Board Advisory Committee will meet in closed sessions from 1800 until 2100, 26 June 1996 and 0900 until 1700, 27 June 1996 in the Pentagon, Washington, DC.

The mission of the Defense Policy Board is to provide the Secretary of Defense, Deputy Secretary of Defense and the Under Secretary of Defense for Policy with independent, informed advice and opinion concerning major matters of defense policy. At this meeting the Board will hold classified discussions on national security matters.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Public Law No. 92–463, as amended [5 U.S.C. App. II, (1982)], it has been determined that this Defense Policy Board meeting concerns matters listed in 5 U.S.C. § 552b(c)(1)(1982), and that accordingly this meeting will be closed to the public.

Dated: June 5, 1996.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 96–14584 Filed 6–7–96; 8:45 am]

BILLING CODE 5000–04–M

Department of the Air Force

Community College of the Air Force Meeting

The Community College of the Air Force (CCAF) Board of Visitors will hold a meeting on June 28, 1996 at 8:30 a.m. at the Air Education and Training Command Conference Room, Building 905, Randolph Air Force Base, Texas. The meeting will be open to the public.

The purpose of the meeting is review and discuss academic policies and issues relative to the operation of the CCAF. Agenda items include a review of the operations of the CCAF, reaffirmation of accreditation by the Southern Association of Colleges and Schools Commission on Colleges, update on the activities of the CCAF Policy Council, and election of new officers.

Members of the public who wish to make oral or written statements at the meeting should contact Captain Kyle C. Monson, Designated Federal Officer for the Board, at the address below no later than 4:00 p.m. on June 10, 1996. The request may be made by mail or electronic mail. Telephone requests will not be honored. The request should identify the name of the individual who will make the presentation and an outline of the issues to be addressed. At least 35 copies of the presentation must be given to Captain Monson no later than the time of the meeting for distribution to the board and interested members of the public. Visual aids must be submitted to Captain Monson on 3½ inch computer disk in Microsoft Powerpoint 4.0 format no later than 4:00 on June 10, 1996 to allow sufficient time for virus scanning and formatting of the slides.

For further information, contact Captain Kyle Monson, (334) 953–2703, Community College of the Air Force, Maxwell Air Force Base, Alabama 36112–6613, or through electronic mail at kmonson@ccaf.au.af.mil.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 96–14487 Filed 6–7–96; 8:45 am]

BILLING CODE 3910–01–M

Department of the Army

Proposed Collection; Comment Request

AGENCY: Director of Information Systems for Command, Control, Communications, and Computers (DISC4), U.S. Army.

ACTION: Notice.

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Department of the Army announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by August 9, 1996.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to Review Boards Agency, ATTN: 1941 Jefferson Davis Highway, Crystal City Mall 4, Arlington, Virginia 22202–4508.

Consideration will be given to all comments received within 60 days of the date of publication of this notice.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the above address, or call Department of the Army Reports clearance officer at (703) 614–0454.

Title: Application for Correction of Military Records, DD Form 149

Needs and Uses: The DD Form 149 allows an applicant to request correction of military record. It provides active service members and former service personnel who feel they have suffered an injustice as a result of their military service and wishes to file an appeal, with a method of doing so.

Affected Public: Individuals or households.

Annual Burden Hours: 15,713.

Number of Respondents: 31,425.

Responses Per Respondent: 1.

Average Burden Per Response: 30 minutes.

Frequency: On occasion.

SUPPLEMENTARY INFORMATION: The information is used by the service correction boards in processing an applicant's request for correction of records. The Army Board for Correction of Military Records is governed by Army Regulation 15–185 which is applicable to the Army, Army National Guard and the Army Reserves. The other services correction boards operate under similar regulation promulgated by those services.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 96–14485 Filed 6–7–96; 8:45 am]

BILLING CODE 3710–08–M

Proposed Collection; Comment Request

AGENCY: Director of Information Systems for Command, Control, Communications, and Computers (DISC4), U.S. Army.

ACTION: Notice.

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Department of the Army announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by August 9, 1996.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to Review Boards Agency, ATTN: 1941 Jefferson Davis Highway, Crystal City Mall 4, Arlington, Virginia 22202–4508.

Consideration will be given to all comments received within 60 days of the date of publication of this notice.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the above address, or call Department of the Army Reports clearance officer at (703) 614–0454.

Title: Application for the Review or Dismissal from the Armed Forces of the United States, DD Form 293.

Needs and Uses: The DD Form 293 is the form used by former members of the military services to request a change in the type of discharge or the reason for their separation from the military. The discharge review boards are primary users of the information collected on the form.

Affected Public: Individuals or households.

Annual Burden Hours: 11,300.

Number of Respondents: 22,600.

Responses Per Respondent: 1.

Average Burden Per Response: 30 minutes.

Frequency: On occasion.

SUPPLEMENTARY INFORMATION: The information is used by respective service discharge review boards in processing the applicants discharge appeal. No similar information is available from which an individual appeal could be processed, the applicant must initiate the appeal.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 96–14486 Filed 6–7–96; 8:45 am]

BILLING CODE 3710–08–M

Defense Logistics Agency

Proposed Collection; Comment Request

AGENCY: Defense Logistics Agency, Defense Contract Management Command, DOD.

ACTION: Notice.

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Defense Logistics Agency announces a proposed public information collection and seeks public comment on the provisions thereof. Comment are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received August 9, 1996.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to Director, Defense Logistics Agency, ATTN: Flight Operations, Specialized Safety, and Environmental Team, AQOI, 8725 John J. Kingman Road, Suite 2533, Fort Belvior, VA 22060–6221.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instructions, polease write to the above address, or call CDR Kevin Holland at (703) 767–3428.

Title, Associated Form, and OMB Number: Request for Approval for qualification Training and Approval of Contractor Flight Crewmember, DD Forms 2627 and 2628.

Need and Uses: The Defense Logistics Agency, will use the DD Form 2628 to receive information necessary to determine if a contractor crewmember meets the requirements for approval to fly government aircraft.

The DD Form 2627 will be used for qualification training event desired. The requirement for the contractor to provide the government with this crewmember information results in approval for the contractor crewmember to fly government aircraft or initiate qualification training.

Affected Public: Individuals; business or other for profit, not-for-profit institutions; State, local or tribal government.

Annual Burden Hours: 50.

Number of Respondents: 42.

Responses per Respondent: 2.5.

Average Burgen per Response: 5 minutes.

Frequency: On occasion.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

DD Forms 27627 and 2628 collect information on contractor crewmembers who desire to fly government aircraft. The information is required so the assigned Government Flight Representative (GFR) may evaluate the contractor's request for flight crewmember approval or approval of training.

Thomas J. Knapp,

Chief Information Officer, Defense Logistics Agency.

[FR Doc. 96–14484 Filed 6–7–96; 8:45 am]

BILLING CODE 3620–01–M

Department of the Navy

Notice of Intent to Grant Partially Exclusive Patent License; Shipley Company, L.L.C.

SUMMARY: The Department of the Navy hereby gives notice of its intent to grant to Shipley Company, L.L.C., a revocable, nonassignable, partially exclusive license in the United States to practice the Government-owned inventions described in U.S. Patent Application Serial No. 08/375,997 entitled ''Liquid Crystal Composition and Alignment Layer,'' filed January 20, 1995, and U.S. Patent Application Serial No. 08/559,318 also entitled ''Liquid Crystal Composition and Alignment Layer,'' filed November 15, 1995, both in the field of liquid crystal display manufacturing.

Anyone wishing to object to the grant of this license has 60 days from the date

of this notice to file written objections along with supporting evidence, if any. Written objections are to be filed with the Office of Naval Research, ONR 00CC, Ballston, Tower One, 800 North Quincy Street, Arlington, Virginia 22217–5660.

FOR FURTHER INFORMATION CONTACT: Mr. R.J. Erickson, Staff Patent Attorney, Office of Naval Research, ONR, 00CC, Ballston Tower One, 800 North Quincy Street, Arlington, Virginia 22217–5660, telephone (703) 696–4001.

Dated May 30, 1996.

M. A. Waters,

LCDR, JAGC, USN, Federal Register Liaison Officer.

[FR Doc. 96–14483 Filed 6–7–96; 8:45 am]

BILLING CODE 3810–FF–P

Notice of Intent to Grant Partially Exclusive Patent License; Stidd Systems, Inc.

SUMMARY: The Department of the Navy hereby gives notice of its intent to grant to Stidd Systems, Inc., a revocable, nonassignable, partially exclusive license in the United States to practice the Government-owned invention described in U.S. Patent Application Serial No. 08/604,143 ''Combustion Chamber Drain System'' filed February 20, 1996.

Anyone wishing to object to the grant of this license has 60 days from the date of this notice to file written objections along with supporting evidence, if any. Written objections are to be filed with the Office of Naval Research, ONR 00CC, Ballston, Tower One, 800 North Quincy Street, Arlington, Virginia 22217–5660.

FOR FURTHER INFORMATION CONTACT: Mr. R.J. Erickson, Staff Patent Attorney, Office of Naval Research, ONR, 00CC, Ballston Tower One, 800 North Quincy Street, Arlington, Virginia 22217–5660, telephone (703) 696–4001.

Dated: May 30, 1996.

M. A. Waters,

LCDR, JAGC, USN, Federal Register Liaison Officer.

[FR Doc. 96–14482 Filed 6–7–96; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

President's Advisory Commission on Educational Excellence for Hispanic Americans; Meeting

AGENCY: President's Advisory Commission on Education Excellence for Hispanic Americans.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the President's Advisory Commission on Educational Excellence for Hispanic Americans. This notice also describes the functions of the Commission. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act.

DATES: Wednesday, June 19 and Thursday, June 20, 1996.

TIME: 5:30 p.m. (est) and 1:30 p.m.–5 p.m. (est).

ADDRESS: Call Vanessa Rini at (202) 401–2147.

FOR FURTHER INFORMATION CONTACT: Vanessa Rini, Special Assistant, White House Initiative on Educational Excellence for Hispanic Americans. Her mailing address is U.S. Department of Education, 600 Independence Ave SW, RM 2115, Washington, DC 20202–3601 and her e-mail address is vanessa ____ rini@ed.gov.

SUPPLEMENTARY INFORMATION: The President's Advisory Commission on Educational Excellence for Hispanic Americans was established under Executive Order 12900, which was effective on February 22, 1994. The Commission was established to provide the President and the Secretary of Education with advice on (a) the progress of Hispanic Americans toward achievement of the National Goals and other standards of educational accomplishment; (b) the development, monitoring, and education for Hispanic Americans; (c) ways to increase State, private sector, and community involvement in improving education; and (d) ways to expand and complement Federal education initiatives.

This meeting is open to the public. The Commission will be formulating a plan to ensure the recommendations in its annual report to the President are carried out and planning its course of action for the upcoming year.

Records are kept of all Council proceedings, and are available for public inspection at the office of the White House Initiative on Educational Excellence for Hispanic Americans from the hours of 9 a.m. to 5 p.m. (est)

G. Mario Moreno,

Assistant Secretary.

[FR Doc. 96–14566 Filed 6–7–96; 8:45 am]

BILLING CODE 4000–01–M

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Proposed collection; comment request.

SUMMARY: The Director, Information Resources Group, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before August 9, 1996.

ADDRESSES: Written comments and requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue, SW., Room 5624, Regional Office Building 3, Washington, DC 20202–4651.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708–8196. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director of the Information Resources Group publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department, (2) will this information be processed and used in a timely manner, (3) is the estimate

of burden accurate, (4) how might the Department enhance the quality, utility, and clarity of the information to be collected, and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: June 4, 1996.

Gloria Parker,

Director, Information Resources Group.

Office of Management

Type of Review: Revision.
Title: Generic Discretionary Grant Performance Report Form.
Frequency: One time.
Affected Public: Business or other for-profit; Not for Profit institutions; State, Local or Tribal Government, SEAs or LEAs.
Annual Reporting and Recordkeeping Hour Burden:
Responses: 6,000.
Burden Hours: 120,000.
Abstract: This discretionary grant performance report form will be used by recipients of discretionary grants to receive a continuation award. An annual performance report is used to establish that the grant recipient has made substantial progress toward meeting their project objectives.

[FR Doc. 96–14634 Filed 6–7–96; 8:45 am]

BILLING CODE 4000–01–P

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

ACTION: Submission for OMB review; comment request.

SUMMARY: The Director, Information Resources Group, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before July 10, 1996.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Wendy Taylor, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503. Requests for copies of the proposed information collection requests should be addressed to Patrick J. Sherrill, Department of Education, 600 Independence Avenue, S.W., Room 5624, Regional Office Building 3, Washington, DC 20202–4651.

FOR FURTHER INFORMATION CONTACT: Patrick J. Sherrill (202) 708–8196. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U. S. C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director of the Information Resources Group publishes this notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g., new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment at the address specified above. Copies of the requests are available from Patrick J. Sherrill at the address specified above.

Dated: June 4, 1996.

Gloria Parker,

Director, Information Resources Group.

Office of Special Education and Rehabilitative Services

Type of Review: Revision.
Title: Application for State Grants Program for Technology-Related Assistance for Individuals with Disabilities Act of 1988.
Frequency: Annually.
Affected Public: State, local or Tribal Gov't SEAs or LEAs.
Annual Reporting and Recordkeeping Hour Burden: Responses: 56.
Burden Hours: 1,680.
Abstract: In order to implement the Technology-Related Assistance for Individuals with Disabilities Act Amendments of 1994, states will be required under statutory authority to submit extension applications and performance reports.

Office of the Under Secretary

Type of Review: Reinstatement.
Title: Drug-Free Schools and Communities Act: Outcomes of State and Local Programs.
Frequency: One time.
Affected Public: State, local or Tribal Government, SEAs or LEAs
Reporting and Recordkeeping Hour Burden:
Responses: 114.
Burden Hours: 3,990.
Abstract: Section 5127 of the Drug-Free Schools and Communities Act (DFSCA) requires states to submit to the Secretary on a biennial basis information on the activities carried out by state, local, and Governors' DFSCA programs. This one-time collection will be used to meet DFSCA reporting requirements for 1993–95 and will serve as the basis for the Department's required report to Congress on the program's activities for that period.

[FR Doc. 96–14635 Filed 6–7–96; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Department of Energy/Los Alamos National Laboratory

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770) notice is hereby given of the following Advisory Committee meeting: Environmental Management Site-Specific Advisory Board (EM SSAB), Los Alamos National Laboratory.

DATES: Tuesday, June 18, 1996: 6:30 pm—9:30 pm; 7:00 pm to 7:30 pm (public comment session).

ADDRESS: Picuris Pueblo Tribal Council Chambers, P.O. Box 127, Pefiasco, New Mexico 87553, 505–587–2519.

FOR FURTHER INFORMATION CONTACT: Ms. Kimberly Roybal, Los Alamos National Laboratory Citizens' Advisory Board Support, Northern New Mexico Community College, 1002 Onate Street, Espanola, NM 87352, (800)753–8970, or (505)753–8970.

SUPPLEMENTARY INFORMATION: Purpose of the Board: The purpose of the Advisory Board is to make recommendations to DOE in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda:

Tuesday, June 18, 1996.

6:30 pm—Call to Order and Welcome.
7:00 pm—Public Comment.

7:30 pm—Old Business.
8:30 pm—New Business—Sub-Committee Reports.
9:30 pm—Adjourn.

Public Participation: The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Ms. Lisa Roybal, at the telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Official is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. This notice is being published less than 15 days in advance of the meeting due to programmatic issues that needed to be resolved.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4 p.m., Monday—Friday, except Federal holidays. Minutes will also be available by writing to Herman Le-Doux, Department of Energy, Los Alamos Area Office, 528 35th Street, Los Alamos, NM 87185–5400.

Issued at Washington, DC on June 5, 1996.

Rachel M. Samuel,

Acting Deputy Advisory Committee Management Officer.

[FR Doc. 96–14579 Filed 6–7–96; 8:45 am]

BILLING CODE 6450–01–P

Federal Energy Regulatory Commission

[Docket No. RP92–237–025]

Alabama-Tennessee Natural Gas Company; Notice of Filing

June 4, 1996.

Take notice that on May 30, 1996, Alabama-Tennessee Natural Gas Company (Alabama-Tennessee), tendered for filing revised tariff sheets in compliance with the Commission's Order issued May 20, 1996, in the above-captioned docket.

Alabama-Tennessee states that the revised tariff sheets reflect minor rate adjustments called for by the Commission's Order that Alabama-Tennessee include the revenue applicable to the Annual Charge Adjustment surcharge associated with the discount provided to Packaging Corporation of America in calculating rates pursuant to its settlement in Docket No. RP92–237–010.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). All such protests should be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–14501 Filed 6–7–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. GT96–65–000]

Algonquin LNG, Inc.; Notice of Proposed Changes in FERC Gas Tariff

June 4, 1996.

Take notice that on May 30, 1996, Algonquin LNG, Inc. (Algonquin LNG) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets with a proposed effective date of June 1, 1996:

First Revised Volume No. 1

Third Revised Sheet No. 200

Algonquin LNG states that the purpose of this filing is to reflect a change in Algonquin LNG's index of customers.

Algonquin LNG states that copies of this filing were served upon each affected party and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Section 385.214 and 385.211 of the Commission's Rules of Practice and Procedure. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–14502 Filed 6–7–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–153–001]

ANR Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

June 4, 1996.

Take notice that on May 30, 1996, ANR Pipeline Company (ANR) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 2), the following tariff sheets, to become effective January 1, 1996:

Fourteenth Revised Sheet No. 570
Original Sheet No. 570A
First Revised Sheet No. 573

ANR states that the above-referenced tariff sheets are being filed pursuant to the Commission's May 15, 1996 Order granting ANR's request for suspension of Rate Schedule X–64 tariff provision in the captioned proceeding. ANR states that the revised tariff sheets reflects suspension of ANR's tariff provisions regarding the requirement to annually redetermine the monthly charge for services provided to High Island Offshore System under ANR's Rate Schedule X–64.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington DC 20426, in accordance with the 18 CFR 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–14503 Filed 6–7–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. RP96–248–000]

East Tennessee Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

June 4, 1996.

Take notice that on May 29, 1996, East Tennessee Natural Gas Company (East Tennessee) tendered for filing as

part of its FERC Gas Tariff Second Revised Volume No. 1, the following tariff sheets, to become effective July 1, 1996:

First Revised Sheet No. 53
First Revised Sheet No. 54
First Revised Sheet No. 55
First Revised Sheet No. 62
First Revised Sheet No. 63
First Revised Sheet No. 64

East Tennessee states that the proposed filing conforms the provisions of its LMS-MA and LMS-PA Rate Schedules related to its annual cashout report to industry standards, so that East Tennessee may carry forward any cashout loss into the subsequent year's annual report. The proposed filing also amends East Tennessee's Rate Schedules LMS-MA and LMS-PA to accurately define the value of gas delivered into and out of the East Tennessee system, and to resolve certain inconsistencies between East Tennessee's LMS Rate Schedules and Tennessee Gas Pipeline Company's Rate Schedule LMS-MA.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with section 385.214 and section 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–14504 Filed 6–7–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. RP92–50–006 and RP92–50–008]

High Island Offshore System; Notice of Informal Technical Conference

June 4, 1996.

On May 7, 1993, High Island Offshore System (HIOS) filed a refund report in Docket No. RP92–50–006. On June 3, 1993, HIOS filed a revised refund plan in Docket No. RP92–50–008 to correct alleged errors discovered by HIOS in the calculation of its earlier refunds. When the parties were unable to resolve their disputes regarding the appropriate refund amount, the Commission staff issued a data request.

That request included: (1) Workpapers showing in full detail the derivation of each component of each shipper's refund amount set forth in(a) HIOS' refund report filed on May 7, 1993, and (b) HIOS' revised refund plan filed on June 3, 1993; and (2) an explanation of the refund in the amount of $484,907.84 received by HIOS from ANR Pipeline Company (ANR) as reported to the Commission by ANR on July 29, 1993, in Docket No. RP92–45–005.

The parties still have not resolved their dispute regarding the refund due, and the Commission staff wishes to explore several issues based on the additional information that has been provided. The issues to be addressed include: (1) The level of HIOS' refund obligation pursuant to a settlement in this proceeding; (2) the level of such refunds actually made by HIOS to date; and (3) the level of such refunds that remain to be made by HIOS (if any). The parties should be prepared to support their conclusions with specific references to the additional work papers and information that have been provided to the Commission.

Therefore, the Staff will hold an informal technical conference on this matter at 10:00 a.m., June 13, 1996, at 888 First Street, N.E., Washington, D.C., in a room to be designated at that time. Questions about this conference should be directed to John M. Robinson, (202) 208–0808, or Randall W. Adams, (202) 208–0102.

Lois D. Cashell,

Secretary.

[FR Doc. 96–14505 Filed 6–7–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. MT96–15–000]

Mid Louisiana Gas Company; Notice of Proposed Changes in FERC Gas Tariff

June 4, 1996.

Take notice that on May 28, 1996, Mid Louisiana Gas Company (Mid Louisiana) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1 the following tariff sheets to become effective June 1, 1996:

Second Revised Sheet No. 130
Third Revised Sheet No. 131

Mid Louisiana states that the purpose of the filing of the Revised Tariff Sheets is to update, in accordance with 18 CFR 250.16(b)(1) of the Commission's regulations, the listing of shared personnel and facilities.

Pursuant to Section 154.7(a)(7) of the Commission's Regulations, Mid Louisiana respectfully requests waiver of § 154.207, Notice requirements, as well as any other requirement of the Regulations in order to permit the tendered tariff sheets to become effective June 1, 1996, as submitted.

Mid Louisiana states that, in compliance with § 154.208, paper copies of the Revised Tariff Pages and this filing are being served upon its jurisdictional customers and appropriate state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this compliance filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Lois D. Cashell,

Secretary.

[FR Doc. 96–14506 Filed 6–7–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP96–543–000]

Noram Gas Transmission Company; Notice of Request Under Blanket Authorization

June 4, 1996.

Take notice that on May 24, 1996, NorAm Gas Transmission Company (NGT), 1600 Smith Street, Houston, Texas 77002, filed in the above docket, a request pursuant to Sections 157.211 and 157.216 of the Commission's Regulations and under its blanket certificate issued in Docket Nos. CP82–384–000 and CP82–384–001 to acquire and operate certain facilities in Louisiana, and to also abandon and relocate an existing meter station and regulator, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

NGT specifically proposes to acquire approximately 5,900 feet of 8⅝ inch pipe from Lafayette Gas Intrastate (Lafayette), and it also seeks authority to abandon and relocate an NGT existing

6-inch meter station and dual 4-inch regulator. The subject delivery lateral interconnects with NGT's Line FM–12 in Section 37, Township 2ON, Range 4E, at Sterlington, Ouachita Parish, Louisiana. This line, FM–66, will be used to deliver natural gas to Louisiana Power and Light's (LP&L) electric generating plant at Sterlington, Louisiana. The estimated volumes to be delivered to this delivery tap are approximately 15,000 MMBtu per day on a peak day and approximately 5,475,000 MMBtu on an annual basis. The delivery lateral will be purchased at the existing net book value of approximately $120,000. The facilities to be relocated will be removed from NGT's point of current interconnect with Lafayette and relocated to the point of delivery at the LP&L plant. The facilities will be used as part of NGT's existing interstate system. No customers or service will be abandoned as a result of the acquisition, the operation or the abandonment of these facilities. The volumes to be delivered to LP&L are within LP&L's certified entitlements pursuant to NGT's blanket transportation certificate issued in Docket No. CP88–820 and the transportation service agreement executed pursuant to NGT's tariff.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request.

If no protest is filed within the time allowed therefor, the proposed activity is deemed to be authorized effective on the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 96–14507 Filed 6–7–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. ER96–1426–000 and ER96–1431–000]

Northern Indiana Public Service Company, NIPSCO Energy Services, Inc.; Notice of Issuance of Order

June 5, 1996.

On March 26, 1996, NIPSCO Energy Services, Inc. (NIPSCO Energy) filed an application for authorization to sell power at market-based rates, and for certain waivers and authorizations. In particular, NIPSCO Energy requested that the Commission grant blanket approval under 18 CFR Part 34 of all future issuances of securities and assumptions of liabilities by NIPSCO Energy. On May 29, 1996, the Commission issued an Order Accepting for Filing and Suspending Proposed Transmission Tariffs, Conditionally Accepting for Filing Proposed Market-Based Rates, and Granting Waivers and Authorizations (Order), in the above-docketed proceeding.

The Commission's May 29, 1996 Order granted the request for blanket approval under Part 34, subject to the conditions found in Ordering Paragraphs (F), (G), and (I):

(F) Within 30 days of the date of this order, any person desiring to be heard or to protest the Commission's blanket approval of issuances of securities or assumptions of liabilities by NIPSCO Energy should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211 and 385.214.

(G) Absent a request to be heard within the period set forth in Ordering Paragraph (F) above, NIPSCO Energy is hereby authorized to issue securities and to assume obligations or liabilities as guarantor, endorser, surety or otherwise in respect of any security of another person; provided that such issue or assumption is for some lawful object within the corporate purposes of the applicant, compatible with the public interest, and reasonably necessary or appropriate for such purposes.

(I) The Commission reserves the right to modify this order to require a further showing that neither public nor private interests will be adversely affected by continued Commission approval of NIPSCO Energy's issuances of securities or assumptions of liabilities * * *.

Notice is hereby given that the deadline for filing motions to intervene or protests, as set forth above, is June 28, 1996.

Copies of the full text of the Order are available from the Commission's Public Reference Branch, 888 First Street, N.E., Washington, D.C. 20426.

Lois D. Cashell,

Secretary.

[FR Doc. 96–14580 Filed 6–7–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CP96–159–002]

Shell Gas Pipeline Company; Notice of Application

June 4, 1996.

Take notice that on June 3, 1996, Shell Gas Pipeline Company (Shell), P.O. Box 576, Houston, Texas 77079, filed with the Commission an amendment to the application for a certificate of public convenience and necessity filed by Shell on January 29, 1996, in Docket No. CP96–159–000, to decrease the proposed initial rates and to revise the proposed terms and conditions for service on its 30-inch Mississippi Canyon Pipeline, pursuant to Section 7(c) of the Natural Gas Act (NGA), all as more fully set forth in the application which is open to the public for inspection.

Shell states that by order issued February 28, 1996, in Docket No. CP96–159–000, the Commission authorized Shell to construct and operate a 30-inch diameter natural gas pipeline extending approximately 45 miles from a platform in West Delta Block 143 to the Venice Gas Plant in Plaquemines Parish, Louisiana. The Commission held Shell's application for a Part 284 blanket transportation certificate in abeyance pending the outcome of further procedures to resolve issues concerning the proposed rates, terms, and conditions of service.

Shell proposes to decrease the proposed initial rates by $0.032 per MMBtu and to offer FT–1, FT–2, and IT–1 transportation services. Shell states that (1) the FT–1 service would be a traditional firm transportation service with fixed Maximum Daily Quantities (MDQ) and reservation charge; (2) the FT–2 service would be a flexible firm service with variable MDQ and rates based on volumes shipped; and (3) the IT–1 service would be a traditional interruptible transportation service.

Shell also requests that the Commission act expeditiously to issue a Part 284 blanket transportation certificate and approve the proposed rates and terms and conditions of service so the 30-inch line can be placed in service by August 1, 1996, upon completion of construction to handle Mars production. Shell proposes to conduct an open season for

subscriptions to capacity on the 30-inch line from June 10 to July 1, 1996.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 11, 1996, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in the subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the NGA and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Shell to appear or be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 96–14508 Filed 6–7–96; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. ER96–1883–000, et al.]

Duke Power Company, et al.; Electric Rate and Corporate Regulation Filings

June 4, 1996.

Take notice that the following filings have been made with the Commission:

1. Duke Power Company

[Docket No. ER96–1883–000]

Take notice that on May 21, 1996, Duke Power Company (Duke), tendered for filing Schedule MR Transaction Sheets under Service Agreement No. 4 of Duke's FERC Electric Tariff, Original Volume No. 3.

Comment date: June 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

2. AES Puerto Rico, L.P.

[Docket Nos. EL96–56–000 and QF96–28–000]

Take notice that on May 17, 1996, Communidades Unidas Contra la Contaminacion (CUCCo) filed a petition for the revocation of the certification of a 413 MW cogeneration facility of AES Puerto Rico, L.P. as a qualifying cogeneration facility.

Comment date: July 2, 1996, in accordance with Standard Paragraph E at the end of this notice.

3. Duke Power Company

[Docket No. ER96–1884–000]

Take notice that on May 21, 1996, Duke Power Company (Duke), tendered for filing a Transmission Service Agreement (TSA) between Duke, on its own behalf and acting as agent for its wholly-owned subsidiary, Nantahala Power and Light Company, and TransCanada Power Corp. (TransCanada). Duke states that the TSA sets out the transmission arrangements under which Duke will provide TransCanada non-firm transmission service under its Transmission Service Tariff.

Comment date: June 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

4. Duke Power Company

[Docket No. ER96–1885–000]

Take notice that on May 21, 1996, Duke Power Company (Duke), tendered for filing a Transmission Service Agreement (TSA) between Duke, on its own behalf and acting as agent for its wholly-owned subsidiary, Nantahala Power and Light Company, and Yadkin, Inc. (Yadkin). Duke states that the TSA sets out the transmission arrangements under which Duke will provide Yadkin non-firm transmission service under its Transmission Service Tariff.

Comment date: June 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

5. Orange and Rockland Utilities, Inc.

[Docket No. ER96–1886–000]

Take notice that on May 21, 1996, Orange and Rockland Utilities, Inc. (O&R), tendered for filing its proposed change to Article 9 of its wholesale sales contract with Rockland Electric Co. (RECO) (Electric Rate Schedule FERC No. 61, Supplement No. 1) which was accepted by the Commission on April 16, 1993. The proposed change would allow O&R to recover its stranded investment costs from RECO if RECO chooses to terminate its wholesale sales contract with O&R. Stranded investment costs would be recovered pursuant to the Commission's Final Rule in Docket No. RM94–7.

The reason stated by O&R for the change in the Electric Rate Schedule is to specifically provide for the recovery of stranded investment costs if such costs are incurred. A copy of this filing has been served upon RECO and the Utility Regulatory Commissions of New York and New Jersey.

Comment date: June 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

6. Orange and Rockland Utilities, Inc.

[Docket No. ER96–1887–000]

Take notice that on May 21, 1996, Orange and Rockland Utilities, Inc. (O&R), tendered for filing its proposed change to Article 9 of its wholesale sales contract with Pike County Light & Power Co. (Pike) (Electric Rate Schedule FERC No. 60, Supplement No. 1) which was accepted by the Commission on April 16, 1993. The proposed change would allow O&R to recover its stranded investment costs from Pike if Pike chooses to terminate its wholesale sales contract with O&R. Stranded investment costs would be recovered pursuant to the Commission's Final Rule in Docket No. RM94–7.

The reason stated by O&R for the change in the Electric Rate Schedule is to specifically provide for the recovery of stranded investment costs if such costs are incurred. A copy of this filing has been served upon Pike and the utility regulatory commissions of New York and Pennsylvania.

Comment date: June 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

7. Illinois Power Company

[Docket No. ER96–1888–000]

Take notice that on May 22, 1996, Illinois Power Company (IPC), tendered for filing as Power Sales Agreement between IPC and Illinova Power Marketing Inc. (IPMI). IPC states that the purpose of this agreement is to provide for the selling of capacity and energy by IP to IPMI.

Comment date: June 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

8. Boston Edison Company

[Docket No. ER96–1889–000]

Take notice that on May 20, 1996, Boston Edison Company of Boston,

Massachusetts, submitted a substitute for page 1 of its contract with the Massachusetts Port Authority (Boston Edison Company Rate Schedule FERC No. 186). The substitute page 1 contains a filed-in execution date. The filing has no effect on rates or terms and conditions of service.

Boston Edison states that it has served copies of this filing upon the affected customer and the Massachusetts Department of Public Utilities.

Comment date: June 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

9. Florida Power Corporation

[Docket No. ER96–1890–000]

Take notice that on May 22, 1996, Florida Power Corporation, tendered for filing a service agreement providing for service to Commonwealth Edison Company, pursuant to Florida Power's power sales tariff. Florida Power requests that the Commission waive its notice of filing requirements and allow the Service Agreement to become effective on May 23, 1996.

Comment date: June 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

10. Jersey Central Power & Light Company, Metropolitan Edison Company, Pennsylvania Electric Company

[Docket No. ER96–1892–000]

Take notice that on May 22, 1996, GPU Service Corporation (GPU), on behalf of Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (jointly referred to as the GPU Companies), filed a Service Agreement between GPU and Western Power Services, Inc. (WPS) dated May 16, 1996. This Service Agreement specifies that WPS has agreed to the rates, terms and conditions of the GPU Companies' Energy Transmission Service Tariff accepted by the Commission on September 28, 1995, in Docket No. ER95–791–000 and designated as FERC Electric Tariff, Original Volume No. 3.

GPU requests a waiver of the Commission's notice requirements for good cause shown and an effective date May 16, 1996, for the Service Agreement. GPU has served copies of the filing on regulatory agencies in New Jersey and Pennsylvania and on WPS.

Comment date: June 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

11. Florida Power Corporation

[Docket No. ER96–1893–000]

Take notice that on May 22, 1996, Florida Power Corporation (Corporation), tendered for filing Amendment No. 1 to its contract for interchange service between itself and Orlando Utilities Commission (OUC). The amendment provides for the addition of one service schedule to the contract.

FPC requests Commission waiver of the 60-day notice requirement in order to allow the amendment to become effective on May 29, 1996. Waiver is appropriate because this filing does not change the rate under the Commission accepted, existing rate schedule.

Comment date: June 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

12. Commonwealth Edison Company

[Docket No. ER96–1894–000]

Take notice that on May 22, 1996, Commonwealth Edison Company (ComEd), submitted for filing six Service Agreements, establishing Vaster Power Marketing, Inc. (Vaster), dated February 15, 1996, Jpower, Inc., (Jpower), dated April 8, 1996, WPS Energy Services, Inc., (WPS), dated April 23, 1996, and Virginia Power, (VP), dated April 29, 1996, Union Electric Company (UE), dated May 2, 1996, and TransCanada Power Corp. (TransCanada), dated May 5, 1996 as customers under the terms of ComEd's Power Sales Tariff PS–1 (PS–1 Tariff).

ComEd also submits for filing five Service Agreements, establishing Eastex Energy Inc. (Eastex), dated April 1, 1996; Southern Company Services, (Southern) dated April 12, 1996; Jpower, Inc. (Jpower), dated April 25, 1996; South Carolina Public Service Authority (Santee Cooper), dated April 25, 1996; and TransCanada Power Corp. (TransCanada), dated May 3, 1996, as customers under the terms of ComEd's Flexible Transmission Service Tariff (FTS–1 Tariff). The Commission has previously designated the PS–1 Tariff as FERC Electric Tariff, Original Volume No. 2, and the FTS–1 Tariff as FERC Electric Tariff, Second Revised Volume No. 3.

ComEd requests an effective date of April 29, 1996 for the PS–1 Service Agreements between ComEd and Vaster, Jpower, WPS, VP, and an effective date of May 2, 1996 for the Service Agreements with UE and TransCanada, respectively. An effective date of April 25, 1996 is requested for the FTS–1 Service Agreements between ComEd and Eastex, Southern, Jpower, and Santee Cooper, and an effective date of May 3, 1996 for the Service Agreement with TransCanada, and accordingly seeks waiver of the Commission's requirements. Copies of this filing were served upon Vaster, Jpower, WPS, VP, UE, TransCanada, Eastex, Southern, Santee Cooper and the Illinois Commerce Commission.

Comment date: June 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

13. Arizona Public Service Company

[Docket No. ER96–1895–000]

Take notice that on May 22, 1996, Arizona Public Service Company (APS), tendered for filing, a Service Agreement under APS-FERC Electric Tariff Original Volume No. 1 (APS Tariff) with the following entity:

Cinergy Services, Inc.

A copy of this filing has been served on the above listed party and the Arizona Corporation Commission.

Comment date: June 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

14. Wisconsin Electric Power Company

[Docket No. ER96–1896–000]

Take notice that on May 23, 1996, Wisconsin Electric Power Company (Wisconsin Electric), tendered for filing an Electric Service Agreement and a Transmission Service Agreement between itself and Delhi Energy Services, Inc. (Delhi). The Electric Service Agreement provides for service under Wisconsin Electric's Coordination Sales Tariff. The Transmission Service Agreement allows Delhi to receive transmission service under Wisconsin Electric's FERC Electric Tariff, Original Volume No. 5, Rate Schedule STNF, under Docket No. ER95–1474.

Wisconsin Electric requests an effective date of sixty days from date of filing. Copies of the filing have been served on Delhi, the Public Service Commission of Wisconsin and the Michigan Public Service Commission.

Comment date: June 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

15. PECO Energy Company

[Docket No. ER96–1897–000]

Take notice that on May 23, 1996, PECO Energy Company (PECO), filed a Service Agreement dated November 28, 1995, with Allegheny Electric Cooperative, Inc. (Allegheny Electric Cooperative) under PECO's FERC Electric Tariff Original Volume No. 1 (Tariff). The Service Agreement adds Allegheny Electric Cooperative as a customer under the Tariff.

PECO requests an effective date of May 1, 1996, for the Service Agreement.

PECO states that copies of this filing have been supplied to Allegheny Electric Cooperative and to the

Pennsylvania Public Utility Commission.

Comment date: June 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

16. Southern California Edison Company

[Docket No. ER96–1898–000]

Take notice that on May 23, 1996, Southern California Edison Company (Edison), tendered for filing Amendment No. 3 to the 1990 Power Sale Agreement (Amendment No. 3), Amendment No. 1 to the Supplemental Agreement for the Integration of the Edison Power Sale Agreement (Agreement No. 1), and a revised Procedure No. 9 to the 1990 Integrated Operations Agreement (Operating and Accounting Procedures (Revised Procedure), with the City of Colton (Colton). Amendment No. 3, Amendment No. 1, and the Revised Procedure (Amendments) resolve disagreements concerning the provision of Edison's hourly system incremental cost data to Colton's representatives.

The Amendments shall become effective on the first day of the month after the date on which the Commission accepts the Amendments for filing.

Copies of this filing were served upon the Public Utilities Commission of the State of California and all interested parties.

Comment date: June 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

17. Cinergy Services, Inc.

[Docket No. ER96–1899–000]

Take notice that on May 23, 1996, Cinergy Services, Inc. (Cinergy), tendered for filing a service agreement under Cinergy's Non-Firm Point-to-Point Transmission Service Tariff (the Tariff) entered into between Cinergy and Dayton Power and Light.

Comment date: June 18, 1996, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–14582 Filed 6–7–96; 8:45 am]

BILLING CODE 6717–01–P

[Docket No. ER96–1872–000, et al.]

Portland General Electric Company, et al.; Electric Rate and Corporate Regulation Filings

June 3, 1996.

Take notice that the following filings have been made with the Commission:

1. Portland General Electric Company

[Docket No. ER96–1872–000]

Take notice that on May 20, 1996, Portland General Electric Company (PGE), tendered for filing under FERC Electric Tariff, 1st Revised Volume No. 2, an executed Service Agreement between PGE and TransAlta Enterprises Corp.

Pursuant to 18 CFR 35.11 and the Commission's order issued July 30, 1993 (Docket No. PL93–2–002), PGE respectfully requests the Commission grant a waiver of the notice requirements of 18 CFR 35.3 to allow the executed Service Agreement to become effective.

Copies of this filing were served upon TransAlta Enterprises Corp.

Comment date: June 17, 1996, in accordance with Standard Paragraph E at the end of this notice.

2. Florida Power Corporation

[Docket No. ER96–1873–000]

Take notice that on May 20, 1996, Florida Power Corporation, tendered for filing a service agreement providing for service to South Carolina Public Service Authority, pursuant to Florida Power's power sales tariff. Florida Power requests that the Commission waive its notice of filing requirements and allow the Service Agreement to become effective on May 21, 1996.

Comment date: June 17, 1996, in accordance with Standard Paragraph E at the end of this notice.

3. New England Power Company

[Docket No. ER96–1874–000]

Take notice that on May 20, 1996, New England Power Company submitted for filing a letter agreement for transmission service to Aquila Power Corporation.

Comment date: June 17, 1996, in accordance with Standard Paragraph E at the end of this notice.

4. Green Mountain Power Corporation

[Docket No. ER96–1875–000]

Take notice that on May 20, 1996, Green Mountain Power Corporation (GMP), tendered for filing a Service Agreement for sales of capacity and energy under its FERC Electric Tariff, Original Volume No. 2 (Opportunity Transactions Tariff) to Green Mountain Energy Partners L.L.C. GMP has requested waiver of the notice requirements of the Commission's Regulations in order to permit the Service Agreement to be made effective as of May 28, 1995.

Comment date: June 17, 1996, in accordance with Standard Paragraph E at the end of this notice.

5. Green Mountain Power Corporation

[Docket No. ER96–1876–000]

Take notice that on May 20, 1996, Green Mountain Power Corporation (GMP), tendered for filing a Service Agreement for sales of capacity and energy under its FERC Electric Tariff, Original Volume No. 2 (Opportunity Transactions Tariff) to Coastal Electric Services Company. GMP has requested waiver of the notice requirements of the Commission's regulations in order to permit the Service Agreement to be made effective as of May 1, 1996.

Comment date: June 17, 1996, in accordance with Standard Paragraph E at the end of this notice.

6. Illinois Power Company

[Docket No. ER96–1877–000]

Take notice that on May 21, 1996, Illinois Power Company (Illinois Power), 500 South 27th Street, Decatur, Illinois 62526, tendered for filing firm transmission agreements under which Air Products and Chemicals, Inc. will take transmission service pursuant to its open access transmission tariff. The agreements are based on the Form of Service Agreements in Illinois Power's tariff.

Illinois Power has requested an effective date of April 26, 1996.

Comment date: June 17, 1996, in accordance with Standard Paragraph E at the end of this notice.

7. Niagara Mohawk Power Corporation

[Docket No. ER96–1878–000]

Take notice that on May 21, 1996, Niagara Mohawk Power Corporation (NMPC), tendered for filing with the Federal Energy Regulatory Commission an executed Service Agreement between NMPC and Vermont Marble Power

Division of Omya, Inc. (VMPDO). This Service Agreement specifies that VMPDO has signed on to and has agreed to the terms and conditions of NMPC's Power Sales Tariff designated as NMPC's FERC Electric Tariff, Original Volume No. 2. This Tariff, approved by FERC on April 15, 1994, and which has an effective date of March 13, 1993, will allow NMPC and VMPDO to enter into separately scheduled transactions under which NMPC will sell to VMPDO capacity and/or energy as the parties may mutually agree.

In its filing letter, NMPC also included a Certificate of Concurrence executed by the Purchaser.

NMPC requests an effective date of April 21, 1996. NMPC has requested waiver of the notice requirements for good cause shown.

NMPC has served copies of the filing upon the New York State Public Service Commission and VMPDO.

Comment date: June 17, 1996, in accordance with Standard Paragraph E at the end of this notice.

8. Niagara Mohawk Power Corporation

[Docket No. ER96–1879–000]

Take notice that on May 21, 1996, Niagara Mohawk Power Corporation (NMPC), tendered for filing with the Federal Energy Regulatory Commission an executed Service Agreement between NMPC and Federal Energy Sales, Inc. (FES). This Service Agreement specifies that FES has signed on to and has agreed to the terms and conditions of NMPC's Power Sales Tariff designated as NMPC's FERC Electric Tariff, Original Volume No. 2. This Tariff, approved by FERC on April 15, 1994, and which has an effective date of March 13, 1993, will allow NMPC and FES to enter into separately scheduled transactions under which NMPC will sell to FES capacity and/or energy as the parties may mutually agree.

In its filing letter, NMPC also included a Certificate of Concurrence executed by the Purchaser.

NMPC requests an effective date of May 9, 1996. NMPC has requested waiver of the notice requirements for good cause shown.

NMPC has served copies of the filing upon the New York State Public Service Commission and FES.

Comment date: June 17, 1996, in accordance with Standard Paragraph E at the end of this notice.

9. Cinergy Services, Inc.

[Docket No. ER96–1880–000]

Take notice that on May 21, 1996, Cinergy Services, Inc. (Cinergy), tendered for filing on behalf of its operating company, PSI Energy, Inc. (PSI), a First Supplemental Agreement, dated May 1, 1996, to the Interconnection Agreement, dated July 1, 1996 between Electric Clearinghouse, Inc. (ECI) and PSI.

The First Supplemental Agreement revises the definition for Emission Allowances and provides for Cinergy Services to act as agent for PSI. The following Exhibit has also been revised: B Power Sales by Cinergy.

Cinergy and ECI have requested an effective date of May 24, 1996.

Copies of the filing were served on Electric Clearinghouse, Inc., the Texas Public Utility Commission, the Kentucky Public Service Commission, Public Utilities Commission of Ohio and the Indiana Utility Regulatory Commission.

Comment date: June 17, 1996, in accordance with Standard Paragraph E at the end of this notice.

10. Texas Utilities Electric Company

[Docket No. ER96–1881–000]

Take notice that on May 21, 1996, Texas Utilities Electric Company (TU Electric), tendered for filing two executed transmission service agreements (TSAs) with Koch Power Services, Inc. and Vitol Gas & Electric LLC for certain Economy Energy Transmission Service under TU Electric's Tariff for Transmission Service To, From and Over Certain HVDC Interconnections.

TU Electric requests an effective date for the TSA's that will permit them to become effective on or before the service commencement date under each of the two TSA's. Accordingly, TU Electric seeks waiver of the Commission's notice requirements. Copies of the filing were served on Koch Power Services, Inc. and Vitol Gas & Electric LLC, as well as the Public Utility Commission of Texas.

Comment date: June 17, 1996, in accordance with Standard Paragraph E at the end of this notice.

11. PECO Energy Company

[Docket No. ER96–1882–000]

Take notice that on May 21, 1996, PECO Energy Company (PECO), filed a Service Agreement dated April 23, 1996 with Duke Power Company (Duke Power) under PECO's FERC Electric Tariff Original Volume No. 4 (Tariff). The Service Agreement adds Duke Power as a customer under the Tariff.

PECO requests an effective date of April 23, 1996, for the Service Agreement.

PECO states that copies of this filing have been supplied to Duke Power and to the Pennsylvania Public Utility Commission.

Comment date: June 17, 1996, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 18 CFR 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 96–14581 Filed 6–7–96; 8:45 am]

BILLING CODE 6717–01–P

Office of Hearings and Appeals

Cases Filed; Week of January 22 Through January 26, 1996

During the Week of January 22 through January 26, 1996, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, DC 20585.

Dated: May 29, 1996.

George B. Breznay,

Director, Office of Hearings and Appeals.

LIST OF CASES RECEIVED BY THE OFFICE OF HEARINGS AND APPEALS

[Week of Jan. 22 through Jan. 26, 1996]

Date	Name and location of applicant	Case No.	Type of submission
Jan. 22, 1996	Archie M. LeGrand, Jr., Summerton, South Carolina.	VFA–0120	Appeal of an Information Request Denial. If granted: The December 11, 1995 Freedom of Information Request Denial issued by the Freedom of Information Privacy Act Division would be rescinded, and Archie M. LeGrand, Jr. would receive access to certain Department of Energy Information.
Do	Barton J. Bernstein, Stanford, California	VFA–0117	Appeal of an Information Request Denial. If granted: The December 22, 1995 Freedom of Information Request Denial issued by Albuquerque Operations Office would be rescinded, and Barton J. Bernstein would receive access to certain DOE information.
Do	Jeffrey R. Leist, Mentor, Ohio	VFA–0119	Appeal of an Information Request Denial. If granted: The December 27, 1995 Freedom of Information Request Denial issued by the DOE Mound Facility would be rescinded, and Jeffrey R. Leist would receive access to certain DOE information.
Do	Waite, Schneider, Bayless & Chelsey Co., Cincinnati, Ohio.	VFA–0118	Appeal of an Information Request Denial. If granted: The August 9, 1995 Freedom of information Request Denial issued by the DOE Mound Facility would be rescinded, and Waite, Schneider, Bayless & Chelsey Co. would receive access to certain DOE information.
Jan. 23, 1996	Martha Julian, Newburgh, Indiana	VFA–0121	Appeal of an Information Request Denial. If granted: The January 8, 1996 Freedom of Information Request Denial issued by the Albuquerque Operations Office would be rescinded, and Martha Julian would receive access to certain DOE information.
Jan. 24, 1996	Frank Thompson Transport, El Dorado, Arizona.	RR272–230	Request for Modification/Rescission in the Crude Oil Refund Proceeding. If granted: The January 23, 1996 Dismissal Letter, Case Number RF272–78153, issued to Frank Thompson Transport would be modified regarding the firm's application for refund submitted in the Crude Oil Refund Proceeding.
Jan. 25, 1996	Eugene Maples, Hopkins, South Carolina ...	VFA–0122	Appeal of an Information Request Denial. If granted: The November 29, 1995 Freedom of Information Request Denial issued by the Office of Inspector General would be rescinded, and Eugene Maples would receive certain Department of Energy information.
Do	James H. Stebbings, Naperville, Illinois	VFA–0123	Appeal of an Information Request Denial. If granted: The January 4, 1996 Freedom of Information Request Denial issued by the Argonne National Laboratory would be rescinded, and James H. Stebbings would receive access to certain DOE information.
Jan. 26, 1996	Pittsburgh Naval Reactors Office, West Mifflin, Pennsylvania.	VSO–0081	Request for Hearing under 10 C.F.R. Part 710. If granted: An individual employed at Pittsburgh Naval Reactors Office would receive a hearing under 10 C.F.R. Part 710, entitled ''Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Special Nuclear Material.''

[FR Doc. 96–14578 Filed 6–7–96; 8:45 am]
BILLING CODE 6450–01–P

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of Implementation of Special Refund Procedures.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy announces procedures for the disbursement of $592,001 (plus accrued interest) collected pursuant to a consent order with Macmillan Oil Company (Case No. LEF–0046) and $15,822 (plus accrued interest) collected pursuant to a consent order with Kenny Larson Oil Company (Case No. VEF–0002). The funds will be distributed in accordance with the DOE's special refund procedures, 10 CFR part 205, subpart V.

FOR FURTHER INFORMATION CONTACT: Bryan F. MacPherson, Assistant Director, Office of Hearings and Appeals, Department of Energy, Washington, DC. 20585, (202) 426–1562.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(b) of the procedural regulations of the Department of Energy (DOE), 10 CFR § 205.282(b), notice is hereby given of the issuance of the Decision and Order set out below. The Decision and Order specifies the procedures that will be used to distribute monies that have been collected by the DOE pursuant to consent orders with Macmillan Oil Company (Macmillan) and Kenny Larson Oil Company (Larson). The consent order with Macmillan settled possible pricing violations with respect to Macmillan's sales of propane, No. 2 fuel oil and Nos. 5 and 6 residual fuel oil. The DOE has collected $592,001 from Macmillan. The consent order with Larson settled possible pricing violations with respect to Larson's sales of motor gasoline. The DOE has

collected $15,822 from Larson. The Decision and Order finds that the funds should be distributed to the firms that were overcharged as set forth in DOE audit records. The amount of each firm's potential refund is set forth in the Appendices to the Decision and Order.

Applications for Refund must be filed prior to December 31, 1996 and should contain the information specified in the Decision and Order.

Dated: May 29, 1996.

George B. Breznay,

Director, Office of Hearings and Appeals.

Department of Energy

Washington, DC 20585

May 29, 1996.

DECISION AND ORDER OF THE DEPARTMENT OF ENERGY

Special Refund Procedures

Name of Firms: Macmillan Oil Company, Kenny Larson Oil Company

Dates of Filings: June 5, 1992, October 18, 1994

Case Numbers: LEF–0046, VEF–0002.

In accordance with the procedural regulations of the Department of Energy (DOE), 10 C.F.R. Part 205, Subpart V, the Economic Regulatory Administration (ERA) filed Petitions to Implement of Special Refund Procedures with the Office of Hearings and Appeals (OHA) on June 5, 1992, and on October 18, 1994. The petitions request that the OHA formulate and implement procedures to distribute funds received pursuant to consent orders entered into between the DOE and Kenny Larson Oil Company (Larson) of Oregon City, Oregon, and Macmillan Oil Company (Macmillan) of Des Moines, Iowa. After reviewing the records in the present cases, we have concluded that a Subpart V proceeding is an appropriate mechanism for distributing the Larson and Macmillan consent order funds. We therefore shall grant the ERA's petitions and assume jurisdiction over distribution of the funds.

I. Background

Larson and Macmillan were ''reseller-retailers'' as defined in 6 C.F.R. § 150.352 and 10 C.F.R. § 212.31. During the relevant periods these companies were subject to the Mandatory Petroleum Price Regulations, 10 C.F.R. Part 212, Subpart F. An ERA audit of Larson's business records revealed possible pricing violations with respect to the firm's sales of motor gasoline during the period May through December 1979. An ERA audit of Macmillan's business records revealed possible pricing violations with respect to the firm's sales of propane, No. 2 fuel oil, and Nos. 5 and 6 residual fuel oil during the period November 1, 1973, through April 30, 1974. In order to settle all claims and disputes between these companies and the DOE regarding their compliance with the price regulations, the DOE entered into consent orders with Larson and Macmillan on September 21, 1981, and March 7, 1988, respectively.

In the Larson consent order, the firm agreed to remit a total of $7,415, approximately 38 percent of the amount of the overcharges alleged by the DOE, plus installment interest. Of the principal amount, $5,842 was to be remitted to the DOE, and $1,573 was to be paid directly to six of Larson's customers. Larson failed to comply with the Consent Order and remitted no funds to either the DOE or the six customers. On August 29, 1994, we granted Larson a refund of $15,822 in the Texaco special refund proceeding. *Texaco Inc./Kenny Larson Oil Company*, 24 DOE ¶ 85,081 (1994) (*Texaco/Larson*). At that time, Larson was in default in the amount of $26,168 ($7,415 principal plus $18,753 interest) in its obligations pursuant to the Consent Order. Accordingly, in *Texaco/Larson*, we determined that the Texaco refund should be used to fund Larson's consent order escrow account, in satisfaction of the firm's principal settlement amount and partial satisfaction of its debt for interest accrued. Accordingly, the $15,822 Texaco refund was deposited into the Kenny Larson Oil Company escrow account maintained at the Department of the Treasury, Consent Order No. 000H00439. This is the amount which is available for distribution to Larson's customers in this proceeding.

On February 1, 1983, a Proposed Remedial Order was issued to Macmillan which alleged that the firm violated the price regulations with respect to its sales of propane, No. 2 fuel oil, and Nos. 5 and 6 residual fuel oil. Macmillan contested the PRO before OHA (Case No. HRO–0122). During the course of that proceeding, the ERA reduced the amount of the alleged overcharges from $383,268 to $333,853. *See* Letter from Ann C. Grover, Associate Solicitor, ERA, to Richard T. Tedrow, OHA Deputy Director (October 5, 1987). On March 7, 1988, Macmillan and DOE entered into a consent order that settled the PRO's allegations. Pursuant to the consent order obligation, Macmillan remitted a total amount of $592,001 (including pre-settlement interest) to the DOE in full satisfaction of the amount owed. The audit workpapers identify the customers that Macmillan allegedly overcharged.

II. Refund Procedures

On August 2, 1995, a Proposed Decision and Order was issued that tentatively concluded that the procedures set forth below should govern the distribution of funds received pursuant to the Macmillan and Larson consent orders. That Proposed Decision was published in the Federal Register, and interested parties were given 30 days in which to comment. 60 Fed. Reg. 40580 (August 9, 1995). No comments were received. Accordingly, we find that the procedures described in the Proposed Decision, and which are set forth below, should govern the distribution of the Macmillan and Larson consent order funds.

A. Refund Claimants

In the first stage, refund monies will be distributed to those parties which were directly injured in transactions with Larson and Macmillan during the audit periods. We believe that the Larson and Macmillan customers who were adversely affected by the alleged overcharges are primarily those purchasers specifically identified in the consent orders and in the audit papers. In addition, customers who purchased motor gasoline from the three retail outlets operated by Larson were referred to as a class in the ERA audit files but could not be individually identified. These parties may also file for refunds in this proceeding.

Based on the information we have about Larson's business, we expect that all applicants in the Larson proceeding and most applicants in the Macmillan proceeding will be ultimate consumers. As in many other refund proceedings, we are making a finding that end-users or ultimate consumers whose businesses are unrelated to the petroleum industry were injured by the overcharges covered by the Consent Order. Unlike regulated firms in the petroleum industry, members of this group were generally not subject to price controls during the audit period and were not required to keep records which justified selling-price increases by reference to cost increases. *See, e.g., Marion Corp.*, 12 DOE ¶ 85,014 (1984); *Thornton Oil Corp.*, 12 DOE ¶ 85,112 (1984). For these reasons, an analysis of the impact of the increased cost of petroleum products on the final prices of non-petroleum goods and services would be beyond the scope of this special refund proceeding. *See Office of Enforcement*, 10 DOE ¶ 85,072 (1983); *see also Texas Oil & Gas Corp.*, 12 DOE ¶ 85,069 at 88,209 (1984). Therefore the end-users of Larson and Macmillan petroleum products named in the consent orders or workpapers shall be presumed injured by the alleged overcharges. Other end-user applicants in the Larson proceeding (those purchasing from retail outlets), if any, need only demonstrate that they purchased from Larson and document their purchase volumes to make a sufficient showing that they were injured by the alleged overcharges.[1]

We expect some of the applicants in the Macmillan proceeding to be resellers or retailers. With respect to such applicants, we shall adopt a small-claims threshold of $5,000. Reseller or retailer applicants seeking refunds of $5,000 or less will not be required to demonstrate that they were injured by Macmillan's alleged overcharges. In addition, one former customer of Macmillan, E.L. Bride, appears to be a reseller whose potential refund amount is $141,986. Consistent with prior cases, it will be able to obtain a refund of $50,000 without making a demonstration that it was injured by Macmillan's overcharges. In order to obtain a refund of its full overcharge amount, it would have to show that it was injured by the overcharges. *See Gulf Oil Corp.*, 16 DOE

[1] One Larson customer (Portland General Electric) and three Macmillan customers (Iowa Power & Light, Atlantic Municipal Utilities, and Iowa South Utilities) are public utilities. As in other Subpart V proceedings, we will treat the utilities as end-users. Since each of their potential refunds is less than $5,000, we will not require them to submit the type of certification of pass-through required of public utilities that receive refunds in excess of the $5,000 small claims threshold. *See, e.g., Placid Oil Co.*, 18 DOE ¶ 85,176 at 88,290 (1988).

¶ 85,381 at 88,738 (1987); *Marathon Petroleum Co.,* 14 DOE ¶ 85,269 at 88,510 (1986).

B. Calculation of Refund Amount

As stated above, the audits which gave rise to the Macmillan Consent Order identified all of the customers allegedly overcharged during the audit period. In total, there are 66 identified customers who were allegedly overcharged by Macmillan during its refund period. The Larson audit identified six customers which account for 21.2 percent of the alleged overcharges, while the remaining 78.8 percent of the alleged overcharges were attributed to Larson's sales to customers at its retail stations. With respect to the identified customers of Larson and Macmillan, we have determined that the use of the audit results to establish potential refunds on a firm-specific basis is more accurate than any other method to relate probable injury to refund amount.

We shall therefore base the identified customers' potential refunds on the amount that each of these firms was allegedly overcharged, as determined by the ERA audit. Thus, the principal amount of each firm's maximum refund is 100 percent of the amount designated for that firm in the Consent Order plus a pro rata share of the interest that the DOE has collected on that amount. (For Larson, the latter is approximately 45 percent of the interest that Larson actually owed at the time the money was placed in the escrow account.) The firms and their potential refund amounts are listed in the Appendices to this Decision. In addition, to the amounts indicated in the Appendices, each successful claimant will receive a pro rata share of the interest accrued on the consent order funds between the date the funds were placed in the Larson and Macmillan escrow accounts and the date the claimant's refund is disbursed.

We shall use a volumetric methodology to distribute that portion of the consent order fund attributable to purchases from Larson's retail outlets. Under the volumetric methodology, customers at Larson's retail outlets will be eligible to receive a refund equal to the number of gallons of motor gasoline purchased from Larson from May through December 1979 multiplied by the volumetric factor. The volumetric factor for Larson is equal to $0.0123.[2] We also establish a minimum amount of $15 for refund claims, as the cost of processing claims in which refunds are sought for amounts less than $15 outweighs the benefits of restitution in those situations. *See, e.g., Uban Oil Co.,* 9 DOE ¶ 82,541 at 82,225 (1982); *see also* 10 C.F.R. § 205.286(b). Therefore, retail outlet customers must have purchased at least 1,220 gallons of Larson motor gasoline during the Larson audit period in order to be eligible for a refund.

C. Distribution of Remaining Funds

Any funds that remain after all first-stage claims have been decided will be distributed in accordance with the provisions of the Petroleum Overcharge Distribution and Restitution Act of 1986 (PODRA), 15 U.S.C. §§ 4501–07. PODRA requires that the Secretary of Energy determine annually the amount of oil overcharge funds that will not be required to refund monies to injured parties in Subpart V proceedings and make those funds available to state governments for use in four energy conservation programs. The Secretary has delegated these responsibilities to OHA. Any funds in the Larson and Macmillan escrow account that OHA determines will not be needed to effect direct restitution to injured Larson and Macmillan customers will be distributed in accordance with the provisions of PODRA.

III. Requirements for Refund Applications

To apply for a refund from any of the settlement funds, a claimant should submit an Application for Refund containing all of the following information:

(1) Identifying information including the claimant's name, current business address, taxpayer identification number, the name, title, and telephone number of a person to contact for additional information, and the name and address of the person who should receive any refund check.[3]

(2) Describe any change in ownership of the applicant firm since the refund period. If the applicant claims a refund as an heir or assignee of the person or firm that purchased products from Larson or Macmillan it should explain why it should receive the refund.

(3) A statement whether the applicant or a related firm has filed, or has authorized any individual to file on its behalf, any other application in this refund proceeding. If so, an explanation of the circumstances of the other filing or authorization should be submitted.

(4) If the applicant is or was in any way affiliated with the consenting firms, it should explain this affiliation.

(5) The statement listed below signed by the individual applicant or a responsible official of the firm filing the refund application:

I swear (or affirm) that the information contained in this application and its attachments is true and correct to the best of my knowledge and belief. I understand that anyone who is convicted of providing false information to the federal government may be subject to a fine, a jail sentence, or both, pursuant to 18 U.S.C. § 1001. I understand that the information contained in this application is subject to public disclosure.

Each applicant for which an address appears in the Appendices will be mailed a sample application form that may be used, but which is not required. Copies will be sent to any other party upon request. Each applicant must submit an original and one copy of the application. All refund applications should be postmarked no later than December 31, 1996, and be sent to: Macmillan Oil Company [or] Kenny Larson Oil Company, Special Refund Proceeding, Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20585–0107.

It Is Therefore Ordered That:

(1) Applications for Refund from the funds remitted to the Department of Energy by Kenny Larson Oil Company pursuant to the September 21, 1981 Consent Order may now be filed. The funds will be distributed in accordance with the foregoing Decision.

(2) Applications for Refund from the funds remitted to the Department of Energy by Macmillan Oil Company pursuant to the March 7, 1988 Consent Order may now be filed. The funds will be distributed in accordance with the foregoing Decision.

(3) To be considered, all Applications for Refund must be postmarked no later than December 31, 1996.

Dated: May 29, 1996.

George B. Breznay.

Director, Office of Hearings and Appeals.

[2] The volumetric factor was computed by dividing $12,467 (78.8 percent of the $15,822 collected for the Larson escrow account) by 1,016,250 (the approximate volume of motor gasoline sold to retail customers during the audit period).

[3] Under the Privacy Act of 1974, the submission of a social security number by an individual applicant is voluntary. An applicant that does not wish to submit a social security number must submit an employer identification number if one exists. This information will be used in processing refund applications, and is requested pursuant to our authority under the Petroleum Overcharge Distribution and Restitution Act of 1986 and the regulations codified at 10 C.F.R. Part 205, Subpart V. The information may be shared with other Federal agencies for statistical, auditing or archiving purposes, and with law enforcement agencies when they are investigation a potential violation of civil or criminal law. Unless an applicant claims confidentiality, this information will be available to the public in the Public Reference Room of the Office of Hearings and Appeals.

APPENDIX A.—MACMILLAN CUSTOMERS AND THEIR POTENTIAL REFUND AMOUNTS

Customer name	Overcharge amount	Pre-settlement interest	Potential refund amount
ACE LINES, INC., c/o T.C. MILLER, P.O. BOX 8088, DES MOINES IA 50301	$223	$172	$395
ARMSTRONG RUBBER, 2345 E MARKET ST, DES MOINES IA 50317–7598	$17,982	$13,904	$31,886
ASSOCIATED MILK PRODUCERS, 305 19TH ST SW, MORGAN CITY IA 50401	$635	$491	$1,126
ATLANTIC MUNICIPAL UTILITIES, 15 W 3RD ST, ATLANTIC IA 50022–1055	$694	$537	$1,231
BANKERS LIFE CO., 7524 HICKMAN RD, DES MOINES IA 50322	$2,068	$1,599	$3,667
BEAVER VALLEY CANNING	$4,922	$3,806	$8,728
BELL WATCHER	$1,834	$1,418	$3,252
BITUCOTE PRODUCTS CO	$14	$11	$25
BOESEN THE FLORIST, 3422 BEAVER AVE, DES MOINES IA 50310–3241	$285	$220	$505
BOOKEY PACKING, & MORTON BOOKEY, 3002 SW 30TH ST, DES MOINES IA 50321	$843	$652	$1,495
C&K ENTERPRISES	$360	$278	$638
CITY OF PLEASANT HILL	$7	$5	$12
COLLEGE OSTEOPATHIC MEDICINE, 3200 GRAND AVE, DES MOINES IA 50312–4104	$222	$172	$394
CREES ENTERPRISES	$1,015	$785	$1,800
CROUSE CARTAGE, 5185 NE 22ND ST, DES MOINES IA 50313–2521	$414	$320	$734
DAKOTA OIL CO	$650	$503	$1,153
DES MOINES COMMUNITY COLLEGE, 1100 7TH ST, DES MOINES IA 50314	$411	$318	$729
DES MOINES INDEPENDENT SCHOOLS, 1800 GRAND AVE, DES MOINES IA 50309	$10,035	$7,759	$17,794
E.L. BRIDE COMPANY, P.O. BOX 7470, SHAWNEE MISSION KS 66207	$80,066	$61,920	$141,986
ELVIEW CONSTRUCTION, 806 S ANKENY, ANKENY IA	$1,345	$1,040	$2,385
EMCO INDUSTRIES, 220 NEW YORK AVE, DES MOINES IA 50313	$520	$402	$922
EQUITABLE LIFE INSURANCE CO., 13300 HICKMAN RD, DES MOINES IA 50325–8617	$4,736	$3,662	$8,398
EVERDS BROS	$213	$165	$378
FIDELITY WAREHOUSE, c/o JACOBSON WAREHOUSE CO, 1500 DELAWARE AVE, DES MOINES IA	$3,146	$2,432	$5,578
FIRESTONE, 2 AVE & HOFFMAN RD, DES MOINES IA 50309	$196	$152	$348
FORT DODGE TRANSPORT, c/o GORDON OLSON, 707 7TH AVE N, FT. DODGE IA 50501	$517	$400	$917
GEORGE A. HORMEL & CO., NORTH LINN, ATLANTIC IA 50022	$11,756	$9,090	$20,846
GREENFIELD OIL CO.	$1,019	$788	$1,807
H. WEST CONSTRUCTION	$25	$19	$44
HOTEL DES MOINES	$325	$251	$576
HOTEL FT. DES MOINES, 10 & WALNUT, DES MOINES IA 50309	$3,494	$2,702	$6,196
HOWE LAUNDRY, c/o GENE E. HOWE, 1311 WEST AVENUE, DES MOINES IA	$1,093	$845	$1,938
INLAND MILLS, c/o ADM MILLING CO, 1925 E GRAND, DES MOINES IA	$2,565	$1,983	$4,548
IOWA POWER AND LIGHT, 311 ALIX ST, RED OAK IA 51566–1001	$4,352	$3,365	$7,717
IOWA ROAD BUILDERS, c/o CARL H. EDMAN, 700 58TH ST, WEST DES MOINES IA 50266	$4,379	$3,386	$7,765
IOWA SOUTH UTILITIES, 18 S, MAIN ST., ALBA IA 52531	$409	$316	$725
KECK, INC., 301 SW 9TH ST, DES MOINES IA 50309	$1,071	$828	$1,899
KRIZAN, CHARLES	$556	$430	$986
LITTLE GIANT CRANE, 1601 NE 66TH AVE, DES MOINES IA 50313–1237	$652	$504	$1,156
LOCAL 334, MUSICIANS UNION, 82 MULBERRY ST, WATERLOO IA 50703	$99	$77	$176
MAYTAG, 1 DEPENDABILITY SQ, NEWTON IA 50208–9238	$88,470	$68,405	$156,875
MEREDITH PUBLISHING CO., 1716 LOCUST, DES MOINES IA 50309	$2,721	$2,104	$4,825
MOTT CONSTRUCTION, 3675 E T C JESTER BLVD, HOUSTON TX 77018	$523	$404	$927
NATIONAL GYPSUM, 2001 REXFORD RD, CHARLOTTE NC 28211	$508	$393	$901
NEW MONROE COMMUNITY SCHOOLS, 407 PLAINSMEN RD, MONROE IA 50170	$2,111	$1,632	$3,743
PARKER OIL CO., 7TH & RACCOON SE, DES MOINES IA 50309	$746	$577	$1,323
PEPSI COLA BOTTLERS, 3825 106TH ST, DES MOINES IA 50322–2098	$957	$740	$1,697
RALSTON PURINA, 433 S PINE ST, DAVENPORT IA 52802–2800	$1,281	$990	$2,271
SAVORY HOTEL, 4TH & LOCUST, DES MOINES IA	$3,617	$2,797	$6,414
SENDLER STONE PRODUCTS	$193	$149	$342
SHAVER OIL CO., c/o BERWIN P. SHAVER, 2203 W. LINCOLN WAY, MARSHALLTOWN IA 50158	$582	$450	$1,032
STARK HEATING, c/o RALPH STANLEY, 1229 SANFORD AVE, MARSHALLTOWN IA 50158	$761	$588	$1,349
STATE OF IOWA, c/o ATTORNEY GENERAL'S OFFICE, HOOVER BUILDING, DES MOINES IA 50319	$1,222	$945	$2,167
DEP'T OF GENERAL SERVICES, c/o ATTORNEY GENERAL'S OFFICE, HOOVER BUILDING, DES MOINES IA 50319	$3,092	$2,391	$5,483
STATE OF IOWA BLDG., c/o ATTORNEY GENERAL'S OFFICE, HOOVER BUILDING, DES MOINES IA 50319	$183	$141	$324
SWIFT & CO., 406 E 8TH ST, VILLISCA IA 50846	$1,766	$1,365	$3,131
SWIFT EDIBLE OIL CO.	$8,054	$6,227	$14,281
TARGET READY MIX, c/o BILLY H BRYANT, 405 52ND ST, WEST DES MOINES IA 50265	$18,175	$14,053	$32,228
UNIV OF IOWA, 1111 9TH ST, DES MOINES IA 50314–2527	$21,616	$16,713	$38,329
UNIV OF N. IOWA, 802 W 29TH ST, CEDAR FALLS IA 50613	$4,519	$3,494	$8,013
VA HOSPITAL	$12	$9	$21
VETERANS MEMORIAL AUDITORIUM, 833 5TH AVE, DES MOINES IA 50309–1316	$1,009	$780	$1,789
WEST TOWERS BUILDING, MANAGER, 1200 VALLEY WEST DR, WEST DES MOINES IA 50265	$3,406	$2,634	$6,040
WESTERN ELECTRIC, c/o ABIGALE KERPNER, AT&T, 1 OAK WAY, RM 4WD175, BERKELEY HEIGHTS NJ 07922	$952	$736	$1,688
WILSON & CO., c/o WILLIAM AMALONG, 3133 PRARIE ROSE RD, OKLAHOMA CITY OK 73120	$1,822	$1,409	$3,231

APPENDIX A.—MACMILLAN CUSTOMERS AND THEIR POTENTIAL REFUND AMOUNTS—Continued

Customer name	Overcharge amount	Pre-settlement interest	Potential refund amount
YOUNKERS, 7 & WALNUT, DES MOINES IA 50314	$407	$315	$722
TOTAL	$333,853	$258,148	$592,001

APPENDIX B.—KENNY LARSON CUSTOMERS AND THEIR POTENTIAL REFUND AMOUNTS

Customer name	Overcharge amount	Interest collected	Potential principal refund
SCHULTZ SANITARY SERVICE, 10643 NE SIMPSON, PORTLAND OR 97220–1223	$416	$471	$887
B & C TOWING	$96	$109	$205
D & A SUPPLY, 1169 MOLALLA AVE, OREGON CITY OR 97045	$91	$101	$192
PORTLAND GENERAL ELECTRIC, LEGAL DEPARTMENT, 121 SW SALMON ST, PORTLAND OR 97204	$685	$773	$1,458
LARRY HEPLER	$93	$109	$202
SKIG NAGAL FARMS	$192	$219	$411
RETAIL CUSTOMERS	$5,842	$6,625	$12,467
TOTAL	$7,415	$8,407	$15,822

[FR Doc. 96–14577 Filed 6–7–96; 8:45 am]
BILLING CODE 6450–01–P

Federal Energy Regulatory Commission

Sunshine Act Meeting

The following notice of meeting is published pursuant to section 3(a) of the Government in the Sunshine Act (Pub. L. No. 94–409), 5 U.S.C. 552B:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

DATE AND TIME: June 12, 1996, 10:00 a.m.

PLACE: Room 2C, 888 First Street, N.E., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Lois D. Cashell, Secretary, Telephone (202) 208–0400. For a recording listing items stricken from or added to the meeting, call (202) 208–1627.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the reference and information center.

Consent Agenda—Hydro, 654th Meeting—June 12, 1996, Regular Meeting (10:00 a.m.)

CAH–1.
Docket# P–9248, 012, Town of Telluride, Colorado
CAH–2.
Docket# P–2315, 002, South Carolina Electric & Gas Company
CAH–3.
Docket# P–2331, 002, Duke Power Company
CAH–4.
Docket# P–2332, 003, Duke Power Company
CAH–5.
Docket# P–2645, 029, Niagara Mohawk Power Corporation
CAH–6.
Docket# P–10199, 000, City of Klamath Falls, Oregon

Consent Agenda—Electric

CAE–1.
Docket# ER94–35, 000, Central Vermont Public Service Corporation and Green Mountain Power Corporation
CAE–2.
Docket# ER96–1316, 000, Transalta Enterprises Corporation
CAE–3.
Docket# ER96–1485, 000, Illinois Power Company
CAE–4.
Docket# ER96–1580, 000, Minnesota Power & Light Company
CAE–5.
Omitted
CAE–6.
Docket# ER96–688, 000, Northwest Power Marketing Company, L.L.C.
CAE–7.
Docket# ER93–777, 000, Commonwealth Edison Company
Other#S ER93–777, 002, Commonwealth Edison Company
ER93–777, 003, Commonwealth Edison Company
ER95–371, 000, Commonwealth Edison Company
ER95–371, 001, Commonwealth Edison Company
ER95–1539, 000, Commonwealth Edison Company
ER95–1545, 000, Commonwealth Edison Company
CAE–8.
Docket# EC95–16, 003, Wisconsin Electric Power Company and Northern States Power Company (Minnesota), et al.
Other#S EL95–61, 000, Wisconsin Electric Power Corporation
EL95–68, 000, Wisconsin Public Power Incorporated, et al. v. Wisconsin Electric Power Corporation
ER94–1625, 000, Wisconsin Electric Power Company
ER95–264, 000, Wisconsin Electric Power Company
ER95–1084, 000, Wisconsin Electric Power Company
ER95–1357, 003, Wisconsin Electric Power Company and Northern States Power Company (Minnesota), et al.
ER95–1358, 003, Wisconsin Electric Power Company and Northern States Power Company
ER95–1474, 000, Wisconsin Electric Power Company
CAE–9.
Docket# EC95–16, 004, Wisconsin Electric Power Company and Northern States Power Company (Minnesota), et al.
Other#S ER95–1357, 004, Wisconsin Electric Power Company and Northern States Power Company (Minnesota), et al.
ER95–1358, 004, Wisconsin Electric Power Company and Northern States Power Company
CAE–10.
Docket# ER95–267, 006, New England Power Company
CAE–11.
Docket# EF95–5171, 001, United States Department of Energy—Western Area Power Administration (Salt Lake City Area Integrated Projects)
CAE–12.
Omitted
CAE–13.

Docket# ER95–1615, 001, Entergy Power Marketing Corporation

Consent Agenda—Gas and Oil

CAG–1.
Docket# RP96–238, 000, Texas Gas Transmission Corporation
CAG–2.
Docket# RP96–242, 000, National Fuel Gas Supply Corporation
CAG–3.
Docket# RP96–110, 000, Carnegie Interstate Pipeline Company
CAG–4.
Docket# RP96–117, 000, Texas Eastern Transmission Corporation
CAG–5.
Docket# RP96–230, 000, Florida Gas Transmission Company
CAG–6.
Docket# RP95–397, 003, Panhandle Eastern Pipe Line Company
Other#S RP95–397, 004, Panhandle Eastern Pipe Line Company
CAG–7.
Docket# RP96–209, 000, Koch Gateway Pipeline Company
CAG–8.
Omitted
CAG–9.
Docket# RP95–196, 004, Columbia Gas Transmission Corporation
Other#S RP94–157, 007, Columbia Gas Transmission Corporation
RP95–392, 002, UGI Utilities, Inc. v. Columbia Gulf Transmission Company and Columbia Gas Transmission Corporation
TM95–2–21, 004, Columbia Gas Transmission Corporation
TM95–3–21, 003, Columbia Gas Transmission Corporation
CAG–10.
Docket# IS94–10, 007, Amerada Hess Pipeline Corporation
Other#S IS94–11, 007, Arco Transportation Alaska, Inc.
IS94–12, 007, BP Pipelines (Alaska) Inc.
IS94–13, 006, Mobil Alaska Pipeline Company
IS94–14, 007, Exxon Pipeline Company
IS94–15, 007, Mobil Alaska Pipeline Company
IS94–16, 007, Phillips Alaska Pipeline Corporation
IS94–17, 007, UNOCAL Pipeline Company
IS94–31, 007, UNOCAL Pipeline Company
IS94–34, 006, ARCO Transportation Alaska, Inc.
IS94–38, 007, Phillips Alaska Pipeline Corporation
OR94–2, 002, Trans Alaska Pipeline System
CAG–11.
Omitted
CAG–12.
Docket# RA95–1, 000, Commonwealth Oil Refining Company, Inc.
CAG–13.
Docket# OR96–11, 000, Express Pipeline Partnership
CAG–14.
Docket# OR96–10, 000, ARCO Products Company v. SFPP, L.P.
Other#S OR96–2, 000, Texaco Refining and Marketing Inc. v. SFPP, L.P.
CAG–15.
Docket# RP96–236, 000, Williams Natural Gas Company
CAG–16.
Docket# PR95–10, 000, ENOGEX, Inc.
Other#S PR95–10, 001, ENOGEX, Inc.
CAG–17.
Docket# CP94–196, 006, Williams Natural Gas Company
Other#S CP94–197, 006, Williams Gas Processing-Mid-Continent Region Company
CAG–18.
Docket# RM96–5, 001, Gas Pipeline Facilities and Services on the Outer Continental Shelf, et al.
CAG–19.
Docket# CP94–260, 003, Algonquin Gas Transmission Company
Other#S CP94–260, 004, Algonquin Gas Transmission Company
CP94–260, 005, Algonquin Gas Transmission Company
CP94–260, 006, Algonquin Gas Transmission Company
RP95–310, 001, Algonquin Gas Transmission Company
RP95–310, 002, Algonquin Gas Transmission Company
CAG–20.
Docket# CP94–327, 000, Koch Gateway Pipeline Company
Other#S CP94–327, 001, Koch Gateway Pipeline Company
CAG–21.
Docket# CP95–640, 000, Transcontinental Gas Pipe Line Corporation and Florida Gas Transmission Company
CAG–22.
Docket# CP95–758,000, CNG Transmission Corporation
CAG–23.
Docket# CP96–226,000, Transcontinental Gas Pipe Line Corporation

Other#S CP96–238,000, Transcontinental Gas Pipe Line Corporation and National Fuel Gas Supply Corporation
CAG–24.
Docket# CP96–269,000, North American Resources Company
CAG–25.
Docket# CP95–759,000, East Texas Gas Systems

Other#S CP95–275,000, Texas Gas Transmission Corporation
CAG–26.
Docket# CP96–11,000, Citrus Energy Services, Inc.

Other#S CP96–12,000, Florida Gas Transmission Company

Hydro Agenda

H–1.
Reserved

Electric Agenda

E–1.
Reserved

Oil and Gas Agenda

I. Pipeline Rate Matters

PR–1.
Docket# RP92–137,016, Transcontinental Gas Pipe Line Corporation
Other#S RP93–136,000, Transcontinental Gas Pipe Line Corporation Opinion and Order on Initial Decision.

II. Pipeline Certificate Matters

PC–1.
Reserved
Dated: June 5, 1996.

Lois D. Cashell,

Secretary.

[FR Doc. 96–14717 Filed 6–6–96; 12:01 pm]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5517–2]

Agency Information Collection Activities Under OMB Review; Standards of Performance for Onshore Natural Gas Processing Plants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3507(a)(1)(D)), this notice announces that the Information Collection Request (ICR) for Standards of Performance for Onshore Natural Gas Processing Plants described below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before July 10, 1996.

FOR FURTHER INFORMATION OR COPY CALL: Sandy Farmer at EPA, (202) 260–2740, and refer to EPA ICR No. 1086.04, OMB No. 2060–0120.

SUPPLEMENTARY INFORMATION:

Title: [NSPS Subparts KKK (for VOC emissions) and LLL (for SO_2 emissions), Standards of Performance for Onshore Natural Gas Processing Plants], (OMB Control No. 2060–0120; EPA ICR No. 1086.04). This is a request for revision of a currently approved collection.

Abstract: Owners/Operators of Onshore Natural Gas Processing Plants subject to Subparts KKK and LLL must notify EPA of construction, modification, startups, shutdowns, malfunctions, dates and results of initial performance tests. Owners/operators subject to these standards must make one-time-only reports of notification of the date of construction or reconstruction and notification of the anticipated and actual startup dates. Owner/operators subject to these

standards must also report on the notification of any physical or operational change that may cause emissions increases and are also required to maintain records of the occurrence and duration of any startup, shutdown or malfunction in the operation of an affected facility, or any period in which the monitoring system is inoperable.

Facilities subject to Subpart KKK must provide information on leaks, including the date when the leak was detected, the repair method used and other pertinent details. Facilities subject to Subpart LLL must submit information on excess SO_2 emissions. Large facilities subject to Subpart LLL must install, calibrate, maintain and operate SO_2 CEMS. These facilities would also have to submit the results of initial performance tests. Owners/operators of all affected facilities must report semiannually on the operating information contained in the records. This information is collected and used to ensure that the standards for VOC and SO_2 emissions are being met. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15. The Federal Register Notice required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on 3/26/96 (61 FR 13172) and no comments were received.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 375 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: 332.

Estimated Number of Respondents: 332.

Frequency of Response: Semiannually and as needed.

Estimated Total Annual Hour Burden: 124,360 hours.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No. 1086.04 and OMB Control No. 2060–0120 in any correspondence.

Ms. Sandy Farmer, U.S. Environmental Protection Agency, OPPE Regulatory Information Division (2137), 401 M Street, SW, Washington, DC 20460.

and

Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA, 725 17th Street, NW, Washington, DC 20503.

Dated: May 29, 1996.

Richard Westlund,

Acting Director, Regulatory Information Division.

[FR Doc. 96–14608 Filed 6–7–96; 8:45 am]

BILLING CODE 6560–50–M

[FRL–5517–3]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Pretesting and Evaluation of Risk Communication Activities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) for pretesting and evaluation of risk communication activities described below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before July 10, 1996.

FOR FURTHER INFORMATION OR A COPY CALL: Sandy Farmer at EPA, (202) 260–2740, and refer to EPA ICR No. 1552.03; OMB Control Number 2010–0022.

SUPPLEMENTARY INFORMATION:

Title: Pretesting and Evaluation of Risk Communication Activities (OMB Control No. 2010–0022; EPA ICR Number 1552.03. This is a request for reinstatement, with change, of a previously approved collection for which approval has expired.

Abstract: The U.S. EPA continues to use risk communication as a risk management tool. EPA uses risk communication (1) to encourage individuals to make voluntary behavior changes which will reduce their level of personal risk from exposure to specific environmental contaminants or conditions. and (2) to improve compliance with environmental regulations. Evaluating the effectiveness of risk communication activities is important; such evaluations allow EPA to learn from its efforts, improve them, and conduct them as effectively as possible. A number of low cost risk communication evaluation methods are available for pretesting materials, evaluating risk communication processes, and evaluating outcomes and impacts. The methods require only a modest respondent burden, and participation is entirely voluntary. There is no cost to respondents. Since many of EPA's risk communication activities re relatively low cost and do not warrant extensive or costly evaluations, this information collection request (ICR) seeks continued approval for conducting small scale evaluations of risk communication activities. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15. The Federal Register notice required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on March 15, 1996 (FRL–5440–6).

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average one hour per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: any groups or individuals who might be audiences for EPA messages about risk.

Estimated Number of Respondents: 855 per year.

Frequency of Response: once per year per respondent.

Estimated Total Annual Hour Burden: 870 hours.

Estimated Total Annualized Cost Burden: $ none to respondents; $664,092 to U.S. EPA for staff and contractor support.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses: Please refer to EPA ICR No. 1552.03 and OMB Control No. 2010–0022 in any correspondence.

Ms. Sandy Farmer, U.S. Environmental Protection Agency, OPPE Regulatory Information Division (2137), 401 M Street, SW, Washington, DC 20460.

and

Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA, 725 17th Street, NW, Washington, DC 20503.

Dated: May 31, 1996.

Richard Westlund,

Acting Director, Regulatory Information Division.

[FR Doc. 96–14609 Filed 6–7–96; 8:45 am]

BILLING CODE 6560–50–M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Equal Employment Opportunity Commission.

DATE AND TIME: Thursday, June 20, 1996—2:00 p.m.

PLACE: Conference Room on the Ninth Floor of the EEOC Office Building, 1801 ''L'' Street, NW., Washington, D.C. 20507.

STATUS: The meeting will be open to the public.

MATTERS TO BE CONSIDERED:

1. Announcement of Notation Votes.
2. Panel Presentation by Invited Experts on Employment Discrimination Issues Affecting Older Americans.

Note: Any matter not discussed or concluded may be carried over to a later meeting. (In addition to publishing notices on EEOC Commission meetings in the Federal Register, the Commission also provides a recorded announcement a full week in advance on future Commission sessions.) Please telephone (202) 663–7100 (voice) and (202) 663–4074 (TTD) at any time for information on these meetings.

CONTACT PERSON FOR MORE INFORMATION: Frances M. Hart, Executive Officer on (202) 663–4070.

Dated: June 6, 1996.

Frances M. Hart,

Executive Officer, Executive Secretariat.

[FR Doc. 96–14805 Filed 6–6–96; 3:29 pm]

BILLING CODE 6750–06–M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2136]

Petitions for Reconsideration of Actions in Rulemaking Proceedings

June 5, 1996.

A Petition for reconsideration has been filed in the Commission's rulemaking proceedings listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of this document is available for viewing and copying in Room 239, 1919 M Street, NW., Washington, DC or may be purchased from the Commission's copy contractor, ITS, Inc., (202) 857–3800. Opposition to this petition must be filed June 25, 1996. See § 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of § 73.606(b), TV Broadcast Stations, Table of Allotments. (Johnstown/Jeanette, PA) (RM–8756). Number of petitions filed: 1.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96–14569 Filed 6–7–96; 8:45 am]

BILLING CODE 6712–01–M

Sunshine Act Meeting

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Wednesday, June 12, 1996, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, NW., Washington, DC.

Item No., Bureau, and Subject

1—Wireless Telecommunications—Title: Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems (CC Docket No. 94–102, RM–8143). Summary: The Commission will consider action concerning establishment of E911 rules for wireless carriers.

2—Wireless Telecommunications—Title: Interconnection and Resale obligations Pertaining to Commercial Mobile Radio Services (CC Docket No. 94–54). Summary: The Commission will consider resale and roaming obligations for providers of commercial mobile radio services.

Additional information concerning this meeting may be obtained from Audrey Spivack or Maureen Peratino, Office of Public Affairs, telephone number (202) 418–0500.

Copies of materials adopted at this meeting can be purchased from the FCC's duplicating contractor, International Transcription Services, Inc. at (202) 857–3800. Audio and Video Tapes of this meeting can be purchased from Telspan International at (301) 731–5355.

Dated June 5, 1996.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 96–14715 Filed 6–11–96; 11:59 am]

BILLING CODE 6712–01–F

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed new, revised, or continuing information collections. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), this notice seeks comments concerning the proposed extension of a currently approved information collection that expires May 31, 1996.

SUPPLEMENTARY INFORMATION: The Federal Crime Insurance Program (FCIP) was authorized by the Housing and Urban Development Act of 1970 and implemented by FEMA regulations 44 CFR Parts 80, 81, 82, and 83. The program was created to provide Federal Crime Insurance at affordable rates to States and jurisdictions. Authorization for the FCIP expired on September 30, 1995. Presently, the program is servicing

existing contracts of insurance until their expiration. FEMA is seeking approval to continue using the collection of information for a one-year period through May 31, 1997, to handle any residual claims activities through the existing servicing contracts.

Collection of Information

Title. Federal Crime Insurance Program—Claims Adjustments.

Type of Information Collection. Extension.

OMB Number: 3067–0232.

Form Numbers. FEMA Form 81–50, Commercial Inspection, FEMA Form 81–79, Loss Input Report, FEMA Form 81–82, Burglary Loss Analysis Worksheet.

Abstract. The forms used in the collection of information provide information needed to process, i.e., adjust, examine, and pay, FCIP claims.

Affected Public: Individuals and households, Businesses or other for-profit, Not-for-profit institutions.

FEMA Forms	No. of respondents	Hours per response (minutes)	Annual burden hours
81–50	125	15	32
81–79	375	5	32
81–82	100	30	50

Estimated Total Annual Burden Hours. 114.

COMMENTS: Written comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. Comments should be received within 60 days of the date of this notice.

ADDRESSES: Interested persons should submit comments to Muriel B. Anderson, FEMA Information Collections Officer, Federal Emergency Management Agency, 500 C Street, SW, Room 311, Washington, DC 20472. Telephone number (202) 646–2625. FAX number (202) 646–3524.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to the person listed in the **ADDRESSES** section of this notice.

Dated: May 29, 1996.

Reginald Trujillo,

Director, Program Services Division, Operations Support Directorate.

[FR Doc. 96–14601 Filed 6–7–96; 8:45 am]

BILLING CODE 6718–01–P

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency (FEMA), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed new, revised, or continuing information collections. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), this notice seeks comments concerning the proposed extension of an existing information collection, which expires June 30, 1996.

Title. Make Your Mark on the Floodplain—High Water Mark Form.

Type of Information Collection. Extension.

OMB Number: 3067–0268

FEMA Form Title. High Water Mark.

Abstract. The Make Your Mark on the Floodplain handout and accompanying High Water Mark form is used to establish uniform and consistent methodologies for setting and recovering high water marks following a significant flood event. After a major flood, anyone who has high water marks on their property or observed flood marks on public property can use the form to record high water mark information, including location, measurements, and description of the marks read. The data will be used by FEMA in post-flood damage assessments since the data will define a frequency/damage relationship for the flooding event and provide calibration information for future analysis. The U.S. Army Corps of Engineers will assist FEMA in collecting and compiling high water mark data.

Affected Public. Individuals and households, business or other for profit, Non-profit institutions, Farms, and State, local or tribal governments.

Number of Respondents. 7,500.

Estimated Total Annual Burden Hours. 2,500.

Estimated Time Per Response. 20 minutes.

COMMENTS: Written comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

ADDRESSES: Interested persons should submit written comments to Muriel B. Anderson, FEMA Information Collections Officer, Federal Emergency Management Agency, 500 C Street, SW, Room 311, Washington, DC 20472. Telephone number (202) 646–2625. FAX number (202) 646–3524.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed information collection should be made to Ms. Anderson at the address or telephone number provided under **ADDRESSES.**

Dated: May 29, 1996.

Reginald Trujillo,

Director, Program Services Division, Operations Support Directorate.

[FR Doc. 96–14602 Filed 6–7–96; 8:45 am]

BILLING CODE 6718–01–P

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency has submitted the following proposed collection of information to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507).

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program regulations require the elevation or floodproofing of newly constructed structures in designated special flood hazard areas. As part of the agreement for making flood insurance available in a community, the NFIP requires the community to adopt a floodplain management ordinance containing

certain minimum requirements intended to reduce future flood losses. One such requirement is that the community obtain the elevation of the lowest flood (including basement) of all new and substantially improved structures, and maintain a record of all such information. These data may be generated and retained as part of the community's permit issuance and building inspection processes. The Elevation Certificate is one convenient way for a community to comply with this requirement. The Floodproofing Certificate may similarly be used to establish the required record in those instances when floodproofing for non-residential structures is a permitted practice.

Title. Post Construction Elevation Certificate/Floodproofing Certificate.

Type of Information Collection. Extension.

OMB Number. 3067–0077.

Form Numbers. FEMA Form 81–31, Elevation Certificate, FEMA Form 81–65, Floodproofing Certificate for Non-Residential Structures.

Abstract. The Elevation Certificate and Floodproofing Certificate are adjuncts to the application for flood insurance. The certificates are required for proper rating of post-Flood Insurance Rate Map (FIRM) structures, which are buildings constructed after publication of the FIRM, for flood insurance in Special Flood Hazard Areas. In addition, the Elevation Certificate is also needed for pre-FIRM structures being rated under post-FIRM flood insurance rules. The certificates provide community officials and others standardized documents to readily record needed information.

The certificates are supplied to insurance agents, community officials, surveyors, engineers, architects, and NFIP policyholders/applicants. The community officials or other professionals provide the elevation data required to document conformance with floodplain management regulations and for the applicants so that actuarial insurance rates can be charged. The elevation data is transmitted to the NFIP by the insurance applicant or agent with the appropriate NFIP policy forms.

The data is also used to assist FEMA in measuring the effectiveness of the NFIP regulations in eliminating or decreasing damage caused by flooding and the appropriateness of the NFIP premium charges for insuring property against the flood hazard.

Affected Public: Individuals and households, Businesses or other for-profit, Not-for-profit institutions, Farms, and State, local or tribal governments.

FEMA forms	No. of respondents	Hours per response	Annual burden hours
81–31	31,500	2.25	70,875
81–65	500	3.25	1,625

Estimated Total Annual Burden Hours. 72,500.

COMMENTS: Interested persons are invited to submit written comments on the proposed collection of information to Victoria Wassmer, Desk Officer for the Federal Emergency Management Agency, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 within 30 days of the date of this notice.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed collection of information should be made to Muriel B. Anderson, FEMA Information Collections Officer, Federal Emergency Management Agency, 500 C Street, SW., Room 311, Washington, DC 20472. Telephone number (202) 646–2625. FAX number (202) 646–3524.

Dated: May 29, 1996.

Reginald Trujillo,

Director, Program Services Division, Operations Support Directorate.

[FR Doc. 96–14599 Filed 6–7–96; 8:45 am]

BILLING CODE 6718–01–P

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency has submitted the following proposed information collection to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507).

Title: National Defense Executive Reserve Personal Qualifications Statement.

Type of Information Collection: Extension.

OMB Number: 3067–0001.

Abstract: The National Defense Executive Reserve (NDER) is a Federal Government program coordinated by the Federal Emergency Management Agency. The program provides a reserve of highly qualified individuals from industry, organized labor, professional groups, and academia to serve in executive positions in time of emergency. Such individuals must use FEMA Form 85–3, National Defense Executive Reserve Personal Qualifications Statement, to apply to the NDER program. FEMA uses the form to ensure that individuals are qualified to perform in assigned emergency positions and are eligible for membership in the Executive Reserve.

Affected Public: Individuals and households.

Number of Respondents: 100.

Estimated Time per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 50.

Frequency of Response: One-time.

COMMENTS: Interested persons are invited to submit written comments on the proposed information collection to Victoria Wassmer, Desk Officer for the Federal Emergency Management Agency, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 within 30 days of the date of this notice.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Muriel B. Anderson, FEMA Information Collections Officer, Federal Emergency Management Agency, 500 C Street, SW, Room 311, Washington, DC 20472. Telephone number (202) 646–2625. FAX number (202) 646–3524.

Dated: May 29, 1996.

Reginald Trujillo,

Director, Program Services Division, Operations Support Directorate.

[FR Doc. 96–14600 Filed 6–07–96; 8:45 am]

BILLING CODE 6718–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, D.C. Office of the Federal Maritime Commission, 800 North Capitol Street, N.W., 9th Floor. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in section 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 217–011545.
Title: CSAV/Mitsui Space Charter Agreement
Parties:
Compania Sud Americana de Vapores
Mitsui O.S.K. Lines, Ltd.

Synopsis: The proposed Agreement authorizes the parties to charter space to one another in the trade between ports and points in South and Central America, Mexico, the Caribbean Sea and U.S. Atlantic, Pacific and Gulf Coast ports and points.

Agreement No.: 224–200988.
Title: Transocean Terminal Operators, Inc. and Cooper/T. Smith Stevedoring Company, Inc. Joint Venture Agreement.
Parties:
Transocean Terminals Operators, Inc.
Cooper/T. Smith Stevedoring Company, Inc.

Synopsis: The proposed Agreement authorizes the parties to establish rates, charges and practices, publish tariffs, enter into agreements concerning marine terminal facilities and/or services, and provide marine terminal services at the ports of New Orleans, Louisiana and Gulfport, Mississippi. The parties have requested a shortened review period.

Agreement No.: 224–200989.
Title: Port of Galveston/Suderman Contracting Stevedores, Inc. Terminal Agreement.
Parties:
Port of Galveston (''Port'')
Suderman Contracting Stevedores, Inc. (''Suderman'')

Synopsis: The proposed Agreement provides for Suderman to perform all labor services to operate the Port's Public Grain Elevator.

By order of the Federal Maritime Commission.

Dated June 4, 1996.

Joseph C. Polking,

Secretary.

[FR Doc. 96–14888 Filed 6–7–96; 8:45 am]

BILLING CODE 6730–01–M

Notice of Agreement(s) Filed

The Federal Maritime Commission hereby give notice that the following agreement(s) has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and may request a copy of each agreement and the supporting statement at the Washington, D.C. Office of the Federal Maritime Commission, 800 North Capitol Street, N.W., Room 1046. Interested parties may submit protests or comments on each agreement to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments and protests are found in section 560.7 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Any person filing a comment or protest with the Commission shall, at the same time, deliver a copy of that document to the person filing the Agreement at the address shown below.

Agreement No.: 224–200887.
Title: Florida Ports Conference.
Parties:
Canaveral Port Authority
Port Everglades Authority
Jacksonville Port Authority
Manatee County Port Authority
Metro-Dade Board of County Commissioners
Ocean Highway and Port Authority
Panama City Port Authority
City of Pensacola, Department of Marine Operations
Tampa Port Authority

Filing Agent: Mr. James J. O'Brien, Chairman, Florida Ports Conference, P.O. Box 10371, Tallahassee, Florida 32302.

Synopsis: The parties have formally requested approval under the provisions of the Shipping Act, 1916.

By order of the Federal Maritime Commission.

Dated: June 4, 1996.

Joseph C. Polking,

Secretary.

[FR Doc. 96–14489 Filed 6–7–96; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than June 24, 1996.

A. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Joe D. and Melody A. Balentine, Raymore, Missouri; to acquire an additional 3.3 percent, for a total of 25.6 percent, of the voting shares of Drexel Bancshares, Inc., Drexel, Missouri, and thereby indirectly acquire Bank 10, Belton, Missouri.

Board of Governors of the Federal Reserve System, June 4, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–14466 Filed 6–7–96; 8:45 am]

BILLING CODE 6210–01–F

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act, including whether the acquisition of the nonbanking company can ''reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices''

(12 U.S.C. 1843). Any request for a hearing must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal. Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than July 5, 1996.

A. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Independent Bancshares, Inc., Clarkfield, Minnesota, a *de novo* bank; to become a bank holding company by acquiring 100 percent of the voting shares of Granite Holding Corporation, Granite Falls, Minnesota, and thereby indirectly acquire Granite Falls Bank, Granite Falls, Minnesota.

Board of Governors of the Federal Reserve System, June 4, 1996.

Jennifer J. Johnson,

Deputy Secretary of the Board.

[FR Doc. 96–14467 Filed 6–7–96; 8:45 am]

BILLING CODE 6210–01–F

FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

Sunshine Act Meeting

TIME AND DATE: 10:00 a.m. (EDT) June 17, 1996.

PLACE: 4th Floor, Conference Room, 1250 H Street, NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Approval of the minutes of the May 20, 1996, Board meeting.
2. Thrift Savings Plan activity report by the Executive Director.

CONTACT PERSON FOR MORE INFORMATION: Thomas J. Trabucco, Director, Office of External Affairs (202) 942–1640.

Dated: June 5, 1996.

Roger W. Mehle,

Executive Director, Federal Retirement Thrift Investment Board.

[FR Doc. 96–14718 Filed 6–6–96; 12:02 pm]

BILLING CODE 6760–01–M

GENERAL SERVICES ADMINISTRATION

Notice of Temporary Grant Regulations

AGENCY: Civil Liberties Public Education Fund Board.

SUMMARY: The Civil Liberties Public Education Fund (CLPEF) Board of Directors (hereafter referenced as the CLPEF Board), authorized as part of the Civil Liberties Act of 1988 (Public Law 100–388, enacted on August 10, 1988, hereafter referenced as ''the Civil Liberties Act''), is issuing this Notice of Temporary Grant Regulations for its research and educational grant program. This Federal Register announcement includes Supplemental Information and Proposed Criteria for such grants. Consistent with the Civil Liberties Act, the CLPEF Board has adopted the following mission statement:

To sponsor research and public educational activities and to publish and distribute the hearings, findings, and recommendations of the Commission on Wartime Relocation and Internment of Civilians (CWRIC) so that the events surrounding the evacuation, relocation, and internment of United States citizens and permanent resident aliens of Japanese ancestry will be remembered, and so that the causes and circumstances of this and similar events may be illuminated and understood.

DATES: Written comments must be submitted on or before July 10, 1996, to the Civil Liberties Public Education Fund Board.

FOR FURTHER INFORMATION CONTACT: Written comments and inquiries can be sent to the Civil Liberties Public Education Fund Board c/o U.S. General Services Administration, Attn: Calvin R. Snowden, 7th and D Streets, S.W. Room 7120, Washington, DC 20407. Tel: (202) 708–5702, FAX: (202) 708–4769.

SUPPLEMENTARY INFORMATION: Based on the findings of the Commission on Wartime Relocation and Internment of Civilians (CWRIC), the purposes of the Civil Liberties Act of 1988 (P.L. 100–388 enacted August 10, 1988) include, in part: (1) To acknowledge the fundamental injustice of the evacuation, relocation and internment of the United States citizens and permanent resident aliens of Japanese ancestry during World War II; (2) to apologize on behalf of the people of the United States for the evacuation, internment and relocation of such citizens and permanent resident aliens; (3) to provide for a public education fund to finance efforts to inform the public about the internment so as to prevent the recurrence of any similar event; (4) to make restitution to those individuals of Japanese ancestry who were interned; (5) to discourage the occurrence of similar injustices and violations of civil liberties in the future; and (6) to make more credible and sincere any declaration of concern by the United States over violations of human rights committed by other nations. In addition to provisions for individuals restitution and other remedial actions, the Civil Liberties Act provides for the establishment of the Civil Liberties Public Education Fund (CLPEF) and the CLPEF Board of Directors.

Proposed Criteria

The CLPEF Board will evaluate grant proposals utilizing the following general criteria. This listing is not in priority order.

(1) Projects must be consistent with the stated intent and purposes of the Civil Liberties Act of 1988 and the mission of the Civil Liberties Public Education Fund (CLPEF) Board.

(2) Applicants must have and demonstrate the capability to administer and complete proposed project within specified timelines and comply with CLPEF Board policies and other applicable federal requirements.

(3) Applicants must have the experience, knowledge and qualifications to conduct quality educational and/or research activities related to the exclusion and detention of Japanese Americans.

(4) Projects should be designed to maximize the long-term educational, research and community development impact of the Civil Liberties Act of 1988.

(5) Projects should build upon, contribute to and expend the existing body of educational and research materials on the exclusion and detention of Japanese Americans during World War II.

(6) Projects should include the variety of experiences of the exclusion and detention of Japanese Americans during World War II.

(7) Projects should link the Japanese American exclusion and detention experience with the experiences of other populations so that the causes, circumstances, lessons, and contemporary applications of this and similar events will be illuminated and understood.

(8) Applicants are encouraged to involve former detainees, those excluded from the military areas, and their descendants in the development and execution of projects.

(9) Applicants are encouraged to develop a national strategy and plan for raising the level of awareness and understanding among the American

public regarding the exclusion and detention of Japanese Americans during World War II so that the causes and circumstances of this and similar events may be illuminated and understood.

(10) Applicants are encouraged to develop a strategy and plan for reaching a broad, multicultural population through project activities.

(11) Applicants are encouraged to develop local and regional consortia of organizations and individuals engaged in similar educational, research and community development efforts.

(12) Applicants are encouraged to coordinate and collaborate with organizations and individuals engaging in similar educational, research and community development endeavors to maximize the effect of grants with respect to (a) Impact on geographic regions; and/or (b) impact on institutions, public policy, or culture; and/or (c) impact on academic field or discipline.

(13) Applicants are encouraged to utilize creative and/or innovative methods and approaches in the development and implementation of their projects.

(14) Applicants are encouraged to seek matching funds, in-kind contributions or other sources of support to enhance their proposal.

Dated: May 29, 1996.

Betty T. Sedgwick,

Program Analyst.

[FR Doc. 96–14481 Filed 6–7–96; 8:45 am]

BILLING CODE 6820–34–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Announcement 643]

Cooperative Agreement To Establish Centers of Excellence To Provide Surveillance, Research, Services and Evaluation Aimed at Prevention of Birth Defects

Introduction

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 1996 funds for a cooperative agreement program for Centers of Excellence to provide surveillance, research, services and evaluation aimed at the prevention of birth defects. The CDC is committed to achieving the health promotion and disease prevention objectives of ''Healthy People 2000,'' a national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority areas of Alcohol and Other Drugs, Environmental Health, Maternal and Infant Health, and Surveillance and Data Systems. (For ordering a copy of ''Healthy People 2000,'' see the section ''Where to Obtain Additional Information.'')

Authority

This program is authorized under sections 301 and 317C of the Public Health Service Act [42 U.S.C. 241 and 247b–4], as amended.

Smoke-Free Workplace

The CDC strongly encourages all grant recipients to provide a smoke-free workplace and to promote the nonuse of all tobacco products, and Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities that receive Federal funds in which education, library, day care, health care, and early childhood development services are provided to children.

Eligible Applicants

Eligible applicants are State and local health departments, or their bona fide agents or instrumentalities. This includes the District of Columbia, American Samoa, the Commonwealth of Puerto Rico, the Virgin Islands, the Federated States of Micronesia, Guam, the Northern Mariana Islands, the Republic of the Marshall Islands, the Republic of Palau, and federally recognized Indian tribal governments. Applicant institutions must have ongoing access to data generated from a state-based birth defects surveillance (ascertainment) program based on a population of not less than 30,000 live births per year within a State. This access will provide the source of birth defect cases for participation in the Birth Defects Risk Factor Surveillance Program (BDRFSP).[1] Applicants must also have a suitable source for obtaining controls from the same population from which cases are derived. State health departments or their bona fide agents must also have an ongoing surveillance program with a capability of contributing not less than a total of 400 interviews (300 cases and 100 controls) per year to the ongoing BDRFSP.

Availability of Funds

Approximately $2,400,000 will be available in FY 1996 to fund three cooperative agreements (includes both direct and indirect costs). It is expected that each award will be approximately $800,000. It is expected that the awards will begin on or about September 30, 1996, and will be made for a 12-month budget period within a project period of up to 5 years. The funding estimate may vary and is subject to change. Continuation awards within the project period will be made on the basis of satisfactory progress and the availability of funds.

Purpose

The purpose of these awards is to assist States to:

1. Bolster their ongoing surveillance activities, including the integration of prenatal diagnoses into their surveillance registry.

2. Develop, implement, and evaluate local studies chosen from among the following categories of activities:

a. Evaluation of methods for primary prevention of birth defects;

b. Evaluation of potential teratogenicity of drugs;

c. Evaluation of potential environmental causes of birth defects;

d. Evaluation of genetic susceptibilities to environmental causes of birth defects;

e. Evaluation of behavioral causes of birth defects;

f. Evaluation of costs of birth defects.

3. Contribute not less than 400 interviews per year to the BDRFSP, using the existing BDRFSP parental interview instrument.

Program Requirements

In conducting activities to achieve the purpose of this program, the applicant shall be responsible for conducting the following activities under A., below, and CDC shall be responsible for conducting activities under B., below:

A. Recipient Activities

1. Develop and implement methods and approaches which will improve and expand the capacity of the applicant's existing surveillance system to ascertain cases and generate timely population-based data of birth defects including the integration of prenatal diagnoses into their registry. This may include provision of background surveillance data generated through recipient's surveillance program for collaborative efforts.

2. Develop a comprehensive plan for implementing studies that are tailored to the applicants activities, and is chosen from one of the following categories:

a. An evaluation of methods related to the primary prevention of birth defects;

b. An evaluation of the potential teratogenicity of drugs related to the possible causes of birth defects;

[1] See ''Background'' section and ''Program Requirements'' section of the Program Announcement included in the Application Kit for information about BDRFSP.

c. An evaluation of the potential environmental causes of birth defects; for example, endocrine disrupting chemicals or drinking water contaminents;

d. An evaluation of genetic factors influencing the occurrence of birth defects, e.g., gene—environment interactions;

e. An evaluation of the behavioral causes of birth defects;

f. An evaluation of the costs associated with birth defects.

3. Develop and implement a plan that will contribute not less than 400 interviews per year to the BDRFSP. Initially, the plan should address the development and the conduct of the BDRFSP parental interview questionnaire. This should include:

a. The development of a plan for the selection of specific cases and controls for interview;

b. The development of a plan for conducting telephone interviews of cases and controls;

c. The development of a mechanism for reducing interview data to computer readable form;

d. The conduct of parental interviews in accordance with the plans developed under activities a–c above;

e. The development of a plan to implement a more refined clinical approach to the classification of birth defects for the purpose of improving risk factor surveillance;

f. The applicant should develop a plan to implement the laboratory phase of their risk factor surveillance program, including the use of biologic specimens (to evaluate markers of exposure and susceptibility) and environmental sampling to explore the potential relationship between environmental exposures and birth defects. For example, the program may include sampling of water in the home to determine the levels of exposure to potentially harmful agents in the water.

B. CDC Activities

1. Epidemiologic Research Related Activities

a. Provide consultation for the development and implementation of study protocol.

b. Assist with the review of the conduct of the study, as outlined in the protocol.

c. Provide consultation with regard to data collection and management.

d. Provide technical consultation in the review of data analysis.

e. Consult with the recipient before releasing the recipient's findings to a third party while the project is in progress.

f. Review reports of research findings being submitted for publication.

g. Provide technical assistance to project management through evaluations of the quality of performance by various program activities and staff members.

2. BDRFSP Related Activities

a. Assist recipients in developing a plan for the selection of specific cases and controls for interview.

b. Assist recipients in developing a plan for conducting telephone interviews of cases and controls.

c. Assist recipients in developing a mechanism for reducing interview data to computer-readable form.

d. Assist recipients to develop a plan to implement a more refined clinical approach to the classification of birth defects for the purpose of improving risk factor surveillance.

e. Assist recipients in developing a plan to implement the laboratory phase of the risk factor surveillance program.

Evaluation Criteria

Applications will be reviewed and evaluated according to the following criteria as they relate to the applicant's response to the ''PROGRAM REQUIREMENTS.''

1. Applicant's Understanding of the Problem (10%)

The extent to which the applicant has a clear, concise understanding of the requirements, objectives, and purpose of the grant. The extent to which the application reflects an understanding of the complexities surrounding the establishment of a Center of Excellence.

2. Organizational Experience (30%)

The extent to which the applicant has the skills, experience, and access to data generated from a birth defects surveillance (ascertainment) program based on a population of not less than 30,000 live births per year. This access provides the source of birth defect cases for participation as a Center of Excellence.

3. Approach and Capability (40%)

The extent to which the applicant has included a description of their approach to implementing the activities as described in the Program Requirements. The applicant shall describe and indicate the availability of facilities and equipment necessary to carry out this project.

The degree to which the applicant has met the CDC Policy requirements regarding the inclusion of women, ethnic, and racial groups in the proposed research. This includes:

a. The proposed plan for the inclusion of both sexes and racial and ethnic minority populations for appropriate representation.

b. The proposed justification when representation is limited or absent.

c. A statement as to whether the design of the study is adequate to measure differences when warranted.

d. A statement as to whether the plans for recruitment and outreach for study participants include the process of establishing partnerships with community(ies) and recognition of mutual benefits will be documented.

4. Program Personnel (20%)

The adequacy of the description of present staff and capability to assemble competent and trained staff to conduct the Center for Excellence. The applicant shall identify all current and potential personnel who will be utilized to work on this grant, including qualifications and specific experience as it relates to the requirements set forth in this request.

5. Budget Justification and Adequacy of Facilities (not scored)

The budget will be evaluated for the extent to which it is reasonable, clearly justified, and consistent with the intended use of the cooperative agreement funds. The applicant shall describe and indicate the availability of facilities and equipment necessary to carry out this project.

6. Human Subjects Review (not scored)

Whether or not exempt from the DHHS regulations, are procedures adequate for the protection of human subjects? Recommendations on the adequacy of protections include: (1) Protections appear adequate, and there are no comments to make or concerns to raise, (2) protections appear adequate, but there are comments regarding the protocol, (3) protections appear inadequate and the Objective Review Group has concerns related to human subjects, or (4) disapproval of the application is recommended because the research risks are sufficiently serious and protection against the risks are inadequate as to make the entire application unacceptable.

Executive Order 12372

Applications are subject to Intergovernmental Review of Federal Programs as governed by Executive Order (E.O.) 12372. E.O. 12372 sets up a system for State and local government review of proposed Federal assistance applications. Applicants (other than federally recognized Indian tribal governments) should contact their State

Single Point of Contact (SPOC) as early as possible to alert them to the prospective applications and receive any necessary instructions on the State process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC for each affected State. A current list of SPOCs is included in the application kit. If SPOCs have any State process recommendations on applications submitted to CDC, they should send them to Ron Van Duyne, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 300, Mailstop E–13, Atlanta, GA 30305, no later than 45 days after the application deadline. (The appropriation for this financial assistance program was received late in the fiscal year and would not allow for an application receipt date which would accommodate the 60-day State recommendation process period.) The Announcement Number and Program Title should be referenced on the document. The granting agency does not guarantee to ''accommodate or explain'' the State process recommendations it receives after that date.

Indian tribes are strongly encouraged to request tribal government review of the proposed application. If tribal governments have any tribal process recommendations on applications submitted to CDC, they should forward them to Ron Van Duyne, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 300, Mailstop E–13, Atlanta, GA 30305, no later than 45 days after the application deadline date. The Announcement Number and Program Title should be referenced on the document. The granting agency does not guarantee to ''accommodate or explain'' for tribal process recommendations it receives after that date.

Public Health System Reporting Requirements

This program is not subject to the Public Health System Reporting Requirements.

Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance number is 93.283.

Other Requirements

Human Subjects

The proposed project involves research on human subjects, therefore, applicants must comply with the Department of Health and Human Services Regulations, 45 CFR Part 46, regarding the protection of human subjects. Assurance must be provided to demonstrate the project will be subject to initial and continuing review by an appropriate institutional review committee. The applicant will be responsible for providing assurance in accordance with the appropriate guidelines and forms provided in the application kit.

In addition to other applicable committees, Indian Health Service (IHS) institutional review committees also must review the project if any component of IHS will be involved or will support the research. If any American Indian community is involved, its tribal government must also approve that portion of the project applicable to it.

Paperwork Reduction Act

Projects that involve the collection of information from ten or more individuals and are funded by the cooperative agreement will be subject to review and approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act.

Women, Racial and Ethnic Minorities

It is the policy of the Centers for Disease Control and Prevention (CDC) and the Agency for Toxic Substances and Disease Registry (ATSDR) to ensure that individuals of both sexes and the various racial and ethnic groups will be included in CDC/ATSDR-supported research projects involving human subjects, whenever feasible and appropriate. Racial and ethnic groups are those defined in OMB Directive No. 15 and include American Indian, Alaskan Native, Asian, Pacific Islander, Black and Hispanic. Applicants shall ensure that women, racial and ethnic minority populations are appropriately represented in applications for research involving human subjects. Where clear and compelling rationale exist that inclusion is inappropriate or not feasible, this situation must be explained as part of the application. This policy does not apply to research studies when the investigator cannot control the race, ethnicity and/or sex of subjects. Further guidance to this policy is contained in the Federal Register, Vol. 60, No. 179, pages 47947–47951, dated Friday, September 15, 1995.

Application Submission and Deadline

The original and two copies of the application PHS Form 5161–1 (OMB Number 0937–0189) must be submitted to Ron Van Duyne, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 300, Mailstop E–13, Atlanta, GA 30305, on or before August 5, 1996.

1. Deadline

Applications shall be considered as meeting the deadline if they are either:

a. Received on or before the deadline date; or

b. Sent on or before the deadline date and received in time for submission to the objective review group. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks will not be acceptable as proof of timely mailing.)

2. Late Applications

Applications which do not meet the criteria in 1.a. or 1.b., above are considered late applications. Late applications will not be considered in the current competition and will be returned to the applicant.

Where To Obtain Additional Information

A complete program description, information on application procedures, an application package, and business management technical assistance may be obtained from David Elswick, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 300, Mailstop E–13, Atlanta, GA 30305, telephone (404) 842–6521, Internet address: DCE1@opspgo1.em.cdc.gov, or facsimile (fax) (404) 842–6513. Programmatic technical assistance may be obtained from Larry Edmonds, Associate Chief for State Services, or Terry G. Fitch, Public Health Advisor, Birth Defects and Genetic Diseases Branch, Division of Birth Defects and Developmental Disabilities, National Center for Environmental Health, Centers for Disease Control and Prevention (CDC), 4770 Buford Highway, NE., Mailstop F–45, Atlanta, GA 30341–3724, telephone (770) 488–7160, e-mail address: lde@cehbddd.em.cdc.gov.

Please refer to Announcement 643 when requesting information and submitting an application.

Potential applicants may obtain a copy of ''Healthy People 2000'' (Full Report, Stock No. 017–001–00474–0) or ''Healthy People 2000'' (Summary Report, Stock No. 017–001–00473–1) referenced in the ''Introduction'' through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325, telephone (202) 512–1800.

Atlanta, Georgia, will be the host of the 1996 Summer Olympics Games (July 19 through August 4, 1996). As a result of this event, it is likely that the Procurement and Grants Office (PGO) may experience delays in the receipt of both regular and overnight mail deliveries. Contacting PGO employees during this time frame may also be hindered due to the possible telephone disruptions.

To the extent authorized, please consider the use of voice mail, e-mail, and fax transmissions to the maximum extent practicable. Please do not fax lengthy documents, contract proposals or grant applications.

Dated: June 4, 1996.

Joseph R. Carter,

Acting Associate Director for Management and Operations, Centers for Disease Control and Prevention (CDC).

[FR Doc. 96–14552 Filed 6–7–96; 8:45 am]

BILLING CODE 4163–18–P

[Announcement Number 638]

Development and Feasibility Testing of Interventions to Increase Health-Seeking Behaviors in, and Health Care for, Populations at High Risk for Gonorrhea

Introduction

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 1996 funds for a cooperative agreement program to conduct research to: (a) Identify factors (at the client, provider, and systems levels) that influence the health-seeking behaviors of, and health services for, populations at high risk of transmitting and acquiring gonorrhea; (b) use the above information to develop and test interventions to increase health care seeking and improve health care; and (c) develop interdisciplinary approaches and augment a behavioral research infrastructure related to sexually transmitted diseases (STDs).

CDC is committed to achieving the health promotion and disease prevention objectives of ''Healthy People 2000'', a national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority areas of STDs and HIV Infection. (For ordering a copy of ''Healthy People 2000,'' see the section ''WHERE TO OBTAIN ADDITIONAL INFORMATION.'')

Authority

This program is authorized under section 318 of the Public Health Act [42 U.S.C. 247c], as amended.

Smoke-Free Workplace

The CDC strongly encourages all grant recipients to provide a smoke-free workplace and to promote the non-use of all tobacco products, and Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities that receive Federal funds in which education, library, day care, health care, and early childhood development services are provided to children.

Eligible Applicants

Applications may be submitted by public and private, nonprofit and for-profit research organizations and their agencies. Thus, universities, colleges, hospitals, research institutions and other public and private organizations and small, minority and/or women-owned businesses are eligible to apply. Also, organizations described in section 501 (c)(4) of the Internal Revenue Code of 1986 that engage in lobbying are not eligible to receive Federal grant/cooperative agreement funds.

Avaliability of Funds

Approximately $1 million is available in FY 1996 to fund approximately 5 awards. The project will be conducted in two stages. The project period for Stage I is expected to be two years. For Stage I, it is expected that the average award will be $250,000, ranging from $200,000 to $300,000. It is expected that the awards will begin on or about September 30, 1996, and will be made for a 12-month budget period. Funding estimates may vary and are subject to change. Before completion of Stage I, recipients will compete for continuation awards for Stage II which is expected to be an additional two years. Successful completion of Stage I is required to compete for Stage II.

Stage I—(Years 1 & 2)

Focuses on formative research to identify client, provider, and system level determinants of health care seeking by, and health care for, populations at high risk of transmitting and acquiring gonorrhea.

Stage II—(Years 3 & 4)

Focuses on developing and testing the client, provider, and system level interventions to increase health care seeking by, and to improve health care for, populations at risk for gonorrhea.

Further detail on Stages I and II is presented below under the ''PURPOSE'' section. Continuation awards within an approved project period will be based on satisfactory progress and the availability of funds.

Purpose

The overall purpose of this program is to assist the recipients in developing and utilizing behavioral and social science research methods to learn the influences on health care seeking and health care at the client, provider, and system levels, and to use this information to develop:

* Community-level behavioral interventions to increase health care seeking and;

* Provider and systems interventions to improve health care for populations at high risk of transmitting and acquiring gonorrhea.

The research program has two stages of activity and funding:

Stage I: Formative Research and Intervention Development.

Stage II: Intervention Implementation and Feasibility Testing.

The fundamental goal of this program announcement is best understood in the context of Stage II (years 3 and 4 of the anticipated 4-year project), in which the grantees will implement and evaluate the feasibility of a science-based community intervention to increase health care seeking among those at high risk for gonorrhea. In addition, the recipients will implement and evaluate the feasibility of science-based provider and systems interventions to improve health care for this same population. Applications for such Stage II intervention activities are not required at this time because well-developed, science-based, promising approaches to changing health-seeking behavior or the provision of health care will be based upon the aggregate results of the research conducted by grantees during Stage I.

Program Requirements

The following are applicant requirements:

(1) For research institutions, a documented research partnership with a public health agency of a State or local government or their bona fide agents. For health agencies, a documented research partnership with a university or other qualified research institution. Applicants are also encouraged to demonstrate ongoing collaboration with community-based organizations (CBOs)

that have histories of access to and success with the target population;

(2) Proof that the catchment area has

(a) A calendar year (CY) 1995 gonorrhea incidence rate that is higher than 225 per 100,000 or 750 per 100,000 for 15 to 19 year olds, and

(b) Access to at least 500 new cases of gonorrhea per year;

(3) Include documentation of a multi-disciplinary research team with behavioral, clinical, epidemiologic, and health economics or health services research expertise, as well as in statistics or data management;

(4) State a willingness to participate in the development and implementation of common protocols and methods for formative research on client, provider, and system determinants of health care seeking by, and health care provision to, populations at high risk of transmitting and acquiring gonorrhea.

Applications that do not satisfy these eligibility requirements will not be considered and will be returned.

Cooperative Activities

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the activities under A. (Recipient Activities), and CDC will be responsible for the activities under B. (CDC Activities), as listed below:

A. Recipient Activities

1. Develop an overall framework that would allow gonorrhea research to be conducted that would validate, verify, and expand upon the initial choice of a catchment area and target population. Specify the demographics of the target population and any subgroups.

2. Develop an intervention and justify the selection of a particular subgroup toward which to direct future interventions.

3. Verify access sites within the catchment area (e.g., STD clinics, school-based clinics, job training sites, health centers, substance abuse treatment facilities; shelters or drop-in facilities for runaway and homeless youth, mental health clinics, other health care facilities such as community health centers, facilities ''without walls'' that provide outreach to ''hard-to-reach'' populations; units within the criminal justice system) where populations at risk for gonorrhea will potentially be accessible for interviewing and for the intervention.

4. Conduct qualitative and quantitative behavioral and psychosocial research to identify client, provider, and system factors influencing health care seeking by, and health care for, populations in the catchment areas at risk of acquiring and transmitting gonorrhea.

5. Develop common protocols to conduct this formative research. In particular, CDC and the recipient will agree on appropriate sampling approaches for the collection of behavioral and psychosocial data. Recipients may enhance the common protocol or develop additional protocols to address questions and issues specific to their local conditions.

6. Develop assessment instruments and participate in cross-site implementation of those instruments. Each recipient will analyze and report results of this three-level assessment and will produce a report synthesizing knowledge about the community. This report should reflect the community's health care system in the current era of health care reform, with particular attention to the type of health care coverage extended to subgroups in the community and the number of persons enrolled in these plans.

7. Manage, analyze, and interpret data. Data from the Stage I activities must be collected, managed, and stored securely and confidentially. Recipients will use common computer and data management systems and will have submitted the data from their client, provider, and system assessments in appropriate format to CDC.

Any materials developed in whole or in part with CDC funds shall be subject to a nonexclusive, irrevocable, royalty-free license to the government to reproduce, translate, publish, or otherwise use and authorize others to use for government purposes.

8. Travel to Atlanta or another location and participate with other recipients and CDC representatives in four meetings during Stage I. The first meeting will be held within 60 days after awards are made to develop common approaches and instruments for the Stage I formative research.

9. Assemble a local Internal Review Board (IRB) for each catchment area to review protocols developed under this program and submit approvals to CDC.

10. Provide progress reports to representatives of communities affected by gonorrhea and other involved organizations, agencies, and persons.

By the end of Stage I (24 months), it is expected that each recipient will have:

1. Completed formative research, data reduction, and will have prepared research summaries and a final report. This report should, at a minimum, identify client, provider, and system determinants of health care seeking and health care provision behaviors.

2. Established access to the target population in sufficient numbers to provide meaningful sample sizes for feasibility studies of community interventions as a condition of going on to Stage II feasibility research.

3. Established access to providers or health care systems in order to carry out provider and system interventions as a condition of going on to Stage II research.

4. Demonstrated that their proposed catchment areas are minimally affected by confounding factors or have identified appropriate methods for controlling competing interventions and research.

B. CDC Activities

1. Provide scientific and technical oversight in the general operation of the formative stage of the gonorrhea prevention and health care behavior project.

2. Host a meeting of the recipients to plan common approaches and protocols for the formative research stage (years 1 and 2) of this initiative. CDC will host three other meetings of recipients during Stage I to promote collaboration.

3. Monitor and evaluate scientific and operational accomplishments of this project through periodic site visits, frequent telephone calls, and review of technical reports and interim data analyses.

4. Assist recipients in the aggregation of data and analysis and distribution of results of multisite analyses.

Evaluation Criteria

Applications that meet the eligibility requirements will be reviewed and evaluated according to the following criteria:

1. Understanding of the objectives of this research as reflected in the statement of research background and research questions. (15 points)

2. Documentation of the epidemiologic, demographic, and health care and prevention program characteristics of geographical catchment area in which the applicant will have access to at least 500 cases of new gonorrhea per year. (15 points)

3. Appropriateness of the methodologies initially proposed for formative research on client, provider, and system determinants of health care seeking by and health care for populations at high risk of transmitting and acquiring gonorrhea. (20 points)

4. Overall ability (that of the applicant and proposed sites) to perform the technical aspects of the project as reflected in the availability of qualified and experienced personnel for a multi-disciplinary team; facilities and plans

for the administration of the project, including a detailed and realistic schedule for the specified activities and access to study populations, providers, and health care institutions. (20 points)

5. The extent to which the research approach is interdisciplinary and culturally and programmatically relevant. (5 points)

6. The degree to which the applicant has met the CDC Policy requirements regarding the inclusion of women, ethnic, and racial groups in the proposed research. This includes:

a. The proposed plan for the inclusion of both sexes and racial and minority populations for appropriate representation;

b. The proposed justification when representation is limited or absent;

c. A statement as to whether the design of the study is adequate to measure differences when warranted; and

d. A statement as to whether the plans for recruitment and outreach for study participants include the process of establishing partnerships with community(ies) and recognition of mutual benefits will be documented. (5 points)

7. The extent to which collaborations among health departments, research institutions, and other participating health care entities are likely to be sustained for the duration of the project. (5 points)

8. Documentation of experience with behavioral interventions for bacterial STDs. (5 points)

9. Consideration of the extent to which the formative research activities conducted in Stage I will result in Stage II pilot intervention protocols for testing the feasibility of client, provider, and system interventions. (10 points)

10. In addition, consideration will be given to the extent to which the budget is reasonable, clearly justified, and consistent with the intended use of the funds. (Not scored)

Funding Preferences

Final determination may be influenced by the geographic distribution of project sites. In addition, due to the changes in the health care system, consideration will be given to funding at least one applicant who has contractual research agreements with a managed care organization.

Executive Order 12372 Review

Applications are subject to Intergovernmental Review of Federal Programs as governed by Executive Order (E.O.) 12372. E.O. 12372 sets up a system for State and local government review of proposed Federal assistance applications. Applicants should contact their State Single Point of Contact (SPOC) as early as possible to alert them to the prospective applications and receive any necessary instructions on the State process. A current list of SPOCs is included in the application kit. For proposed projects serving more than one State, the applicant is advised to contact the SPOC for each affected State. A current list of SPOCs is included in the application kit. If SPOCs have any State process recommendations on applications submitted to CDC, they should send them to Van Malone, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Mailstop E–15, Atlanta, GA 30305, no later than 60 days after the application deadline. The Program Announcement Number and Program Title should be referenced on the document. The granting agency does not guarantee to ''accommodate or explain'' State process recommendations it received after that date.

Public Health System Reporting Requirement

This program is subject to the Public Health System Reporting Requirements. Under these requirements, all community-based nongovernment applicants must prepare and submit the items identified below to the head of the appropriate State or local health agency in the program areas(s) that may be affected by the proposed project no later than the receipt date of the Federal application. The appropriate State and/or local health agency is determined by the applicant. The following information must be provided:

A. A copy of the face page of the application (SF424); and

B. A summary of the project that should be titled ''Public Health System Impact Statement'' (PHSIS), not to exceed one page, and include the following:

1. A description of the population to be served;

2. A summary of the services to be provided; and

3. A description of the coordination plans with the appropriate Sate and/or local health agencies.

If the State and/or local health officials should desire a copy of the entire application, it may be obtained from the State Single Point of Contact (SPOC) or directly from the applicant.

Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance Number is 93.978.

Other Requirements

Paperwork Reduction Act

Projects that involve the collection of information from 10 or more individuals and funded by cooperative agreement will be subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act.

Confidentiality

Applicants must have in place systems to ensure the confidentiality of patient records.

Human Subjects

If the proposed project involves research on human subjects, the applicant must comply with the Department of Health and Human Services Regulations, 45 CFR Part 46, regarding the protection of human subjects. Assurance must be provided to demonstrate that the project will be subject to initial and continuing review by an appropriate institutional review committee. The applicant will be responsible for providing assurance in accordance with the appropriate guidelines and form provided in the application kit.

Women, Racial and Ethnic Minorities

It is the policy of the Centers for Disease Control and Prevention (CDC) and the Agency for Toxic Substances and Disease Registry (ATSDR) to ensure that individuals of both sexes and the various racial and ethnic groups will be included in CDC/ATSDR- supported research projects involving human subjects, whenever feasible and appropriate. Racial and ethnic groups are those defined in OMB Directive No. 15 and include American Indian, Alaskan Native, Asian, Pacific Islander, Black and Hispanic. Applicants shall ensure that women, racial and ethnic minority populations are appropriately represented in applications for research involving human subjects. Where clear and compelling rationale exist that inclusion is inappropriate or not feasible, this situation must be explained as part of the application. In conducting review for scientific merit, review groups will evaluate proposed plans for inclusion of minorities and both sexes as part of the scientific assessment and scoring.

This policy does not apply to research studies when the investigator cannot control the race, ethnicity and/or sex of the subjects. Further guidance to this

policy is contained in the Federal Register, Vol. 60, No. 179, pages 47947–47951, dated Friday, September 15, 1995.

Application Submission and Deadline

A. Preapplication Letters of Intent

Although not a prerequisite of application, a non-binding letter of intent-to-apply is requested from potential applicants. On or before July 5, 1996, the letter should be submitted to Kimberly P. Boyd, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 300, Atlanta GA 30305. The letter should identify the announcement number and the name of the investigator. The letter does not influence review or funding decisions, but will enable CDC to plan the review more efficiently, and will ensure that each applicant receives timely and relevant information prior to application submission.

B. Applications

The original and two copies of the application PHS 5161–1 (OMB Number 0937–0189) must be submitted on or before August 5, 1996, to Mr. Van Malone, Grants Management Officer, Attention: Kimberly Boyd, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 300, Mailstop E15, Atlanta, GA 30305.

C. Deadline

Applications shall be considered as meeting the deadline if they are either:

(a) Received on or before the deadline date, or

(b) Sent on or before the deadline date and received in time for submission to the objective review group.

(Applicants must request a legibly dated receipt from a commercial carrier or the U.S. Postal Service. Private metered postmarks are not acceptable as proof of timely mailing.)

(c) Late Applications: Applications which do not meet the criteria in (a) or (b) above are considered late applications. Late applications will not be considered in the current competition and will be returned to the applicant.

Where to Obtain Additional Information

A complete program description, information on application procedures, an application package, and business management technical assistance may be obtained from Kimberly Boyd, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 300, Mailstop E15, Atlanta GA 30305, telephone (404) 842–6592, Facsimile (404) 842–6513, or Internet at <KPT0@OPSPGO1.em.cdc.gov>. Programmatic technical assistance may be obtained from Sevgi Aral, Ph.D., Division of STD Prevention, Behavioral Interventions and Research Branch (BIRB), National Center for STD, HIV, and TB Prevention, Centers for Disease Control and Prevention (CDC), 1600 Clifton Road, NE., Mailstop E02, Atlanta, GA 30333, telephone (404) 639–8259, Facsimile (404) 639–8608.

Please refer to Announcement Number 638 ''Development and Feasibility Testing of Interventions to Increase Health-Seeking Behaviors in, and Health Care for, Populations at High Risk for Gonorrhea'' when requesting information and submitting an application.

You may obtain a copy of ''Healthy People 2000,'' (Full Report, Stock No. 017–001–00474–0) or ''Healthy People 2000,'' (Summary Report, Stock No. 017–001–00473–1) referenced in the ''INTRODUCTION'' from the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325, telephone (202) 512–1800.

There may be delays in mail delivery and difficulty in reaching the CDC Atlanta offices during the 1996 Summer Olympics. Therefore, CDC suggest applicants use Internet, follow all instructions in this announcement and leave messages on the contact person's voice mail for more timely responses to any questions.

Dated: June 4, 1996.

Joseph R. Carter,

Acting Associate Director for Management and Operations, Centers for Disease Control and Prevention (CDC).

[FR Doc. 96–14554 Filed 6–7–96; 8:45 am]

BILLING CODE 4163–18–P

[Announcement 627]

Replication of Effective HIV Behavioral Interventions

Introduction

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 1996 funds for a cooperative agreement program for replicating HIV behavioral interventions which have been found to be effective in intervention research studies. This announcement supports the development and implementation of plans, materials, and training to accomplish the replication of the intervention in one site.

The CDC is committed to achieving the health promotion and disease prevention objectives of ''Healthy People 2000,'' a national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority area Human Immunodeficiency Virus (HIV) Infection. (For ordering a copy of ''Healthy People 2000,'' see the section ''WHERE TO OBTAIN ADDITIONAL INFORMATION.'')

Authority

This program is authorized under sections 301 and 317(k), of the Public Health Service Act [42 U.S.C. 241 and 247b], as amended.

Smoke-Free Workplace

CDC strongly encourages all recipients to provide a smoke-free workplace and to promote the nonuse of all tobacco products, and Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities that receive Federal funds in which education, library, day care, health care, and early childhood development services are provided to children.

Eligible Applicants

Applications may be submitted by public and private, nonprofit and for-profit organizations and governments and their agencies. Thus, universities, colleges, research institutes, hospitals, other public and private organizations, State and local health departments or their bona fide agents or instrumentalities, federally recognized Indian tribal governments, Indian tribes or Indian tribal organizations, and small, minority- and/or women- owned businesses are eligible to apply.

Note: Organizations described in section 501(c)(4) of the Internal Revenue Code of 1986 that engage in lobbying are not eligible to receive Federal grant/cooperative agreement funds.

Availability of Funds

Approximately $900,000 is available in FY 1996 to fund approximately 5 awards. It is expected that the average award will be $200,000, ranging from $175,000 to $225,000. It is expected that the awards will begin on or about September 30, 1996, and will be made for a 12-month budget period within a project period of 2 years. Funding estimates may vary and are subject to change based on availability of funds.

Continuation awards within the project period will made on the basis of satisfactory progress and the availability of funds.

Priority may be given to selecting a wide range of target populations to be addressed by funded interventions, including those that historically have been addressed by few such interventions. Collection of new or supplemental data, data entry, purchase of furniture or computers, and rental of facilities or equipment will not be funded under this program.

Definitions

For the purposes of this announcement, the following definitions are applicable. Replication is defined as the creation of materials and protocols developed from research-based, technological innovations or effective interventions and their dissemination to prevention programs or from one practice site to another for adoption. The term community-level intervention means an approach to HIV prevention that (1) results from a mobilization of community members and institutions; (2) can be expected to reach a large proportion of the population at risk in their daily setting; (3) may involve outreach and facility-based services; and (4) can be expected to be effective at altering individual behaviors and community norms.

Purpose

These awards will expand the present practice of HIV behavioral risk prevention by: (1) encouraging collaboration between researchers and HIV prevention programs, (2) developing strategies for the dissemination of effective HIV behavioral interventions, (3) creating plans, materials, and training for their implementation, and (4) facilitating experience in local and regional dissemination of research-based interventions to enable HIV prevention organizations to adopt behavioral interventions that have been shown to be effective.

The goal of this activity is to enhance the capacity of local HIV prevention organizations to implement and sustain effective and feasible behavioral interventions by making intervention materials and training more widely available, and to encourage collaboration between researchers and HIV prevention programs. Applications based on community-level behavioral interventions, and innovative and effective interventions that have not been widely adopted are encouraged. The replication strategies and materials package should be generalizable to broad behavioral risk groups or involve a method that can be adapted or tailored to the needs and circumstances of one of the priority populations identified by the applicant's State or local community planning group.

Program Requirements

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the activities under A. (Recipient Activities), and CDC will be responsible for the activities listed under B. (CDC Activities).

A. Recipient Activities

During the first year, recipients will develop the package of materials and protocols and find users interested in participating in an implementation pretest. During the second year, the package will be refined based on users' pretest experience and need for the recipient's assistance. The program requirements for the first year of activity are:

1. Develop a package of materials, protocols, and guidance to enable the adoption of the effective behavioral intervention. The recipient will develop the package with the involvement of HIV prevention programs, e.g., health departments and community-based organizations (CBOs), within the applicant's own State or within close proximity to applicant's home city.

a. The package will be written in language understandable to nonresearchers and will contain:

(1) A full description of the behavioral intervention;

(2) A list of target populations for whom the intervention would be appropriate;

(3) A time line of specific steps and costs for setting up the intervention;

(4) A list of the types of agencies needed for collaboration on the intervention and approaches to establishing linkages with them;

(5) A list of all necessary materials, other resources, staff commitment (numbers and time) and skills, and cost breakdowns for conducting the intervention;

(6) Protocols for implementing the intervention and ensuring its quality and consistency;

(7) Specific guidelines for overcoming barriers to implementation;

(8) Methods and procedures for evaluating process, outcome, and cost-effectiveness of the intervention; and

(9) A bibliography of publications based on the intervention.

b. The package should include practical examples of implementation from the original intervention and should contain copies of all relevant materials.

2. Create a strategy to publicize and market the package.

a. During the first year, the recipient will:

(1) Compile a list of HIV prevention agencies in the recipient's State or within close proximity to the recipient's city, which target populations for whom the intervention is appropriate; (For this announcement, such agencies will be referred to as the intended users.)

(2) Select ways to inform intended users about the availability of the package. This strategy will be used to identify intended users who are interested in implementing the package with the technical assistance of the recipient.

b. At the end of the 2-year project, the final package will be submitted to CDC for further distribution.

c. The recipient may also continue to distribute the package.

3. Develop a plan to assist the implementation of the package. In order to refine the package developed in year 1:

a. The recipient will develop a plan to assist the adoption and implementation of the behavioral intervention by selected user(s) during year 2.

b. The plan will include:

(1) Procedures for collecting process data, e.g., on unforeseen barriers to implementation, solutions to barriers, and cost containment; and

(2) Hands-on guidance and direct technical assistance with other intervention components.

4. Establish a plan to evaluate the implementation of the replication package. The recipient will establish a plan to evaluate the implementation of the behavioral intervention. Such evaluation data may:

a. Be qualitative or quantitative; and

b. Include an assessment of the fidelity of the implementation to the methods and protocols presented in the package; but

c. Not include data on outcomes of the behavioral intervention.

5. Select and confirm interested users to adopt the package for year 2. By the end of the year 1, the recipient will:

a. Have publicized and marketed the package to intended users (as defined in Recipient Activity 2);

b. Select at least one intended user from those who have expressed interest and confirm their willingness to participate in year 2; and

c. Send the selected user the package and guidance on its implementation.

(1) Limited funds may be available to support implementation of the

behavioral intervention; however, the users are encouraged to find funds to initiate and sustain the intervention or may redirect their own resources.

Continued funding for year 2 will be dependent on the completion of required activities for year 1. In year 2, the intervention will be implemented and evaluated.

B. CDC Activities

1. Host a meeting with the successful applicants within 60 days of the notice of grant award.
2. Provide technical assistance in the general operation of this HIV prevention project.
3. Consult on the choice of users selected to pretest the replication package.
4. Monitor and evaluate scientific and operational accomplishments of this project through frequent telephone contact and review of technical reports and interim data analyses.
5. Conduct site visits to assess program progress and mutually solve problems, as needed.

Evaluation Criteria

Applications will be reviewed and evaluated according to the following criteria:

1. Behavioral Intervention (20 points total).

a. Description and justification (8 points). The agency that originally developed or evaluated the intervention is the applicant or will be working in partnership with the applicant. Thoroughness of the description of the intervention that will be the object of the replication efforts. Quality of the intervention design, components, and methods. Appropriateness of its theoretical basis for the target population and intervention method. Appropriateness of the intervention methods for the target population. Convincing need for the intervention's replication. Feasibility of implementation by other organizations with limited resources. Documented permission from the original developers of the proposed behavioral intervention to publicize and market replication materials and protocols generated from the intervention.

The quality of the applicant's response to the item Women, Racial and Ethnic Minorities as cited in the ''APPLICATION CONTENT'' section of the program announcement included in the application kit.

b. Documented effectiveness (12 points). Thoroughness of the description of the intervention's completed and evaluated research. Extent of the intervention's effectiveness, as defined in the Application Content. Inclusion of publications.

2. Description of the Replication Package (15 points).

Level of detail in the description or outline of the proposed package, including materials, protocols, and guidelines. Clarity of described intended audiences, objectives, format, and concepts. Justification of the appropriateness of the package's objectives, format, and concepts to the intended users' needs and capabilities. Adequacy of input from HIV prevention programs into the development of the package. Adequacy of planned materials' review and pretesting. Adequacy of time scheduled for completing the proposed steps of the package's development.

3. Description of Plan to Identify Users to Implement the Package (15 points).

Quality of plan to identify appropriate, intended users and interest them in adopting the package during year 2 of the project. Selection of proactive methods to identify and solicit intended users. Adequacy of criteria and mechanism for selecting the users for implementing the package in year 2, including match of the intervention's target population with the user's community planning priorities. Recognition that the agency that originally conducted the intervention is excluded from implementing the package.

4. Description of Strategy to Assist Implementation (15 points).

Clarity of the strategy to assist selected users in adopting and implementing the behavioral intervention. Understanding of barriers to implementation and how to overcome them. Plan to assist selected users in implementing the intervention by using their existing resources and staff. Plan to help selected users find additional funds for implementing the package, if relevant.

5. Description of Plan to Evaluate Implementation (15 points).

Feasibility and appropriateness of the plan to evaluate the selected user's implementation of the intervention as specified in the replication package. Thorough and realistic selection of intervention components to evaluate.

6. Demonstrated Capacity (20 points).

Overall ability of the applicant to perform the proposed activities as reflected in their staff's and consultant's qualifications, experience with material development and dissemination, and demonstrated familiarity with HIV behavioral interventions, in general, and the intervention to be publicized, in particular. The nature and extent of any partnership between researchers and HIV prevention programs. Adequacy of existing support staff, equipment, and facilities.

7. Budget (Not scored).

Extent to which the budget is reasonable, itemized, clearly justified, and consistent with the intended use of the funds.

Executive Order 12372 Review

Applications are subject to Intergovernmental Review of Federal Programs as governed by Executive Order (E.O.) 12372. E.O. 12372 sets up a system for State and local government review of proposed Federal assistance applications. Applicants (other than federally recognized Indian tribal governments) should contact their State Single Point of Contact (SPOC) as early as possible to alert them to the prospective applications and receive any necessary instructions on the State process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC for each affected State. A current list of SPOCs is included in the application kit. If SPOCs have any State process recommendations on applications submitted to CDC, they should send them to Van Malone, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 300, Mailstop E15, Atlanta, GA 30305, no later than 30 days after the application deadline (the appropriation for this financial assistance program was received late in the fiscal year and would not allow for an application receipt date which would accommodate the 60-day State recommendation process period). The granting agency does not guarantee to ''accommodate or explain'' for State process recommendations it receives after that date.

Indian tribes are strongly encouraged to request tribal government review of the proposed application. If tribal governments have any tribal process recommendations on applications submitted to the CDC, they should forward them to Van Malone, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 300, Mailstop E15, Atlanta, GA 30305. This should be done no later than 30 days after the application deadline date. The granting agency does not guarantee to ''accommodate or explain'' for tribal

process recommendations it receives after that date.

Public Health System Reporting Requirements

This program is subject to the Public Health System Reporting Requirements. Under these requirements, all community-based nongovernmental applicants must prepare and submit the items identified below to the head of the appropriate State and/or local health agency(s) in the program area(s) that may be impacted by the proposed project no later than the receipt date of the Federal application. The appropriate State and/or local health agency is determined by the applicant. The following information must be provided:

A. A copy of the face page of the application (SF 424).

B. A summary of the project that should be titled ''Public Health System Impact Statement'' (PHSIS), not exceed one page, and include the following:

1. A description of the population to be served;

2. A summary of the services to be provided; and

3. A description of the coordination plans with the appropriate State and/or local health agencies.

If the State and/or local health official should desire a copy of the entire application, it may be obtained from the Single Point of Contact (SPOC) or directly from the applicant.

Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance number is 93.941.

Other Requirements

Human Subjects

If the proposed project involves research on human subjects, the applicant must comply with the Department of Health and Human Services Regulations, 45 CFR Part 46, regarding the protection of human subjects. Assurance must be provided to demonstrate that the project will be subject to initial and continuing review by appropriate institutional review committees. In addition to other applicable committees, Indian Health Service (IHS) institutional review committees also must review the project if any component of IHS will be involved or will support the research. If any American Indian community is involved, its tribal government must also approve that portion of the project applicable to it. The applicant will be responsible for providing assurance in accordance with the appropriate guidelines and form provided in the application kit.

Women, Racial and Ethnic Minorities

It is the policy of the Centers for Disease Control and Prevention (CDC) and the Agency for Toxic Substances and Disease Registry (ATSDR) to ensure that individuals of both sexes and the various racial and ethnic groups will be included in CDC/ATSDR-supported research projects involving human subjects, whenever feasible and appropriate. Racial and ethnic groups are those defined in OMB Directive No. 15 and include American Indian, Alaskan Native, Asian, Pacific Islander, Black and Hispanic. Applicants shall ensure that racial and ethnic minority populations are appropriately represented in applications for research involving human subjects. Where clear and compelling rationale exist that inclusion is inappropriate or not feasible, this situation must be explained as part of the application. This policy does not apply to research studies when the investigator cannot control the race, ethnicity and/or sex of subjects.

Further guidance to this policy is contained in the Federal Register, Vol. 60, No. 179, pages 47947–47951, and dated Friday, September 15, 1995.

HIV/AIDS Requirements

Recipients must comply with the document entitled Content of AIDS-Related Written Materials, Pictorials, Audiovisuals, Questionnaires, Survey Instruments, and Educational Sessions (June 1992) (a copy is in the application kit). To meet the requirements for a program review panel, recipients are encouraged to use an existing program review panel, such as the one created by the State health department's HIV/AIDS prevention program. If the recipient forms its own program review panel, at least one member must be an employee (or designated representative) of a State or local health department. The names of the review panel members must be listed on the Assurance of Compliance for CDC 0.1113, which is also included in the application kit. The recipient must submit the program review panel's report that indicates all materials have been reviewed and approved.

Application Submission and Deadlines

1. Preapplication Letter of Intent

A non-binding letter of intent-to-apply is required from potential applicants. An original and two copies of the letter should be submitted to the Grants Management Branch, CDC (see ''Applications'' in the following paragraph). It should be postmarked no later than July 15, 1996. The letter should identify the announcement number, name of principal investigator, and specify the activity(ies) to be addressed by the proposed project. The letter of intent does not influence review or funding decisions, but it will enable CDC to plan the review more efficiently, and will ensure that each applicant receives timely and relevant information prior to application submission.

2. Applications

An original and two copies of the application PHS Form 5161–1 (OMB Number 0937–0189) must be submitted to Van Malone, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 300, Mailstop E–15, Atlanta, GA 30305, on or before August 15, 1996.

3. Deadlines

A. Applications shall be considered as meeting the deadline if they are either:

(1.) Received on or before the deadline date; or

(2.) Sent on or before the deadline date and received in time for submission to the objective review group. (Applicants must request a legibly dated U.S.Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or the U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

B. Applications that do not meet the criteria in 3.A.(1.) or 3.A.(2.) above are considered late applications. Late applications will not be considered in the current competition and will be returned to the applicant.

Where to Obtain Additional Information

To receive additional information call (404) 332–4561. You will be asked to leave your name, address, and phone number and will need to refer to Announcement 627. You will receive a complete program description, information on application procedures, and application forms.

If you have questions after reviewing the contents of all the documents, business management technical assistance may be obtained from Adrienne Brown, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 300, Mailstop E–15, Atlanta, GA 30305, telephone (404) 842–6634, email:

<asm1@opspgo1.em.cdc.gov>. Programmatic technical assistance may be obtained from Robert Kohmescher, Division of HIV/AIDS Prevention, National Center for HIV/STD/TB Prevention, Centers for Disease Control and Prevention (CDC), 1600 Clifton Road, NE., Mailstop E–44, Atlanta, GA 30333, telephone (404) 639–8302, email: <rnk1@cidhiv2.em.cdc.gov>.

Please refer to Announcement 627 when requesting information and submitting an application.

Potential applicants may obtain a copy of ''Healthy People 2000,'' (Full Report, Stock No. 017–001–00474–0) or ''Healthy People 2000,'' (Summary Report, Stock No. 017–001–00473–1) referenced in the ''INTRODUCTION,'' through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325, telephone (202) 512–1800.

Internet Home Page

The announcement will be available on one of two Internet sites on the publication date: CDC's home page at <http://www.cdc.gov>, or at the Government Printing Office home page (including free access to the Federal Register) at <http://www.access.gpo.gov>.

There may be delays in mail delivery and difficulty in reaching the CDC Atlanta offices during the 1996 Summer Olympics. Therefore, CDC suggests applicants use Internet, follow all instructions in this announcement and leave messages on the contact person's voice mail for more timely responses to questions.

Dated: June 4, 1996.

Joseph R. Carter,

Acting Associate Director for Management and Operations, Centers for Disease Control and Prevention (CDC).

[FR Doc. 96–14550 Filed 6–07–96; 8:45 am]

BILLING CODE 4163–18–P

[Announcement 626]

Follow-up or Secondary Analysis of HIV Behavioral Intervention Research Studies

Introduction

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 1996 funds for a grant program for conducting follow-up or secondary analysis of data from HIV behavioral intervention research studies. This announcement provides funds for two types of activities:

Activity 1 Follow-up or secondary analysis of outcome, process, or economic data from existing HIV behavioral intervention data sets, and;

Activity 2 Secondary analysis of existing behavioral intervention data with methodological implications for how to conduct, analyze, or interpret research findings from behavioral intervention studies.

The CDC is committed to achieving the health promotion and disease prevention objectives of ''Healthy People 2000,'' a national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority area of Human Immunodeficiency Virus (HIV) Infection. (For ordering a copy of ''Healthy People 2000,'' see the section ''WHERE TO OBTAIN ADDITIONAL INFORMATION.'')

Authority

This program is authorized under sections 301 and 317(k), of the Public Health Service Act [42 U.S.C. 241 and 247b], as amended.

Smoke-Free Workplace

CDC strongly encourages all recipients to provide a smoke-free workplace and to promote the nonuse of all tobacco products, and Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities that receive Federal funds in which education, library, day care, health care, and early childhood development services are provided to children.

Eligible Applicants

Applications may be submitted by public and private, nonprofit and for-profit organizations and governments and their agencies. Thus, universities, colleges, research institutes, hospitals, other public and private organizations, State and local health departments or their bona fide agents or instrumentalities, federally recognized Indian tribal governments, Indian tribes or Indian tribal organizations, and small, minority- and/or women-owned businesses are eligible to apply.

Eligible applicants must have access to data sets of outcome, process, or economic data collected during efficacy or effectiveness studies of HIV behavioral interventions in the United States.

Applicants may submit applications for both Activity 1 (follow-up or secondary analysis) and Activity 2 (analysis with methodological implications) but must submit them as separate applications. Applications must state the activity type of the proposal in the application's title.

Note: Organizations described in section 501(c)(4) of the Internal Revenue Code of 1986 that engage in lobbying are not eligible to receive Federal grant/cooperative agreement funds.

Availability of Funds

Approximately $600,000 is available in FY 1996 to fund a total of approximately six awards under Activities 1 and 2. It is expected that the average award will range from $80,000 to $120,000, depending on the number of analyses proposed. Awards are expected to begin on or about September 30, 1996, and will be made for a 12-month budget period within a project period of one year. Funding estimates may vary and are subject to change based on availability of funds. Grant funds are to be applied to analyses of existing behavioral intervention data and cannot be used for the collection of new or supplemental data, secondary analyses of behavioral survey data, data entry, purchase of furniture, software, computers, rental of facilities, equipment or support of interventions.

Purpose

These awards will expand the knowledge of HIV behavioral risk prevention by conducting further analyses of data sets from completed research on HIV behavioral interventions. Proposals are sought for the following activities:

Activity 1 Follow-up or secondary analysis of existing data sets collected during efficacy or effectiveness trials of theory-based HIV behavioral interventions.

Activity 2 Secondary analysis of existing behavioral intervention data with methodological implications for how to conduct, analyze, or interpret research findings from behavioral intervention studies. Examples of analyses include methods to assess the reliability or validity of behavioral measures, implementation and evaluation of intervention methods, the relationship between behavioral and biological outcome measures (including STD and HIV transmission), comparisons of data collection or sampling methods, methods to identify social networks, methods to determine cost-benefit or cost-effectiveness, and the use of behavioral intervention data to model transmission trends.

These awards also have the goal of obtaining information on diverse populations, on populations for whom there is little information on intervention effectiveness, on interventions conducted in geographic areas or venue types on which there is little intervention information, and on

the creativity and appropriateness of the intervention for the targeted population.

Program Requirements

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the following activities:

1. Secure access to the data set. The recipient will secure access to the completed outcome, process, and/or economic data set from the current manager of the data set with sufficient time to complete the proposed analysis.

2. Prepare the data set. The recipient will finish cleaning the data and debugging computer programs, if relevant.

3. Ensure completion of the project by sustaining analytic capability. Throughout the course of the project, the recipient has the responsibility to sustain and continue the level of analytic capability which was presented in their application, particularly:

a. The skills to analyze the data and to design, oversee, and evaluate the results of the follow-up or secondary analyses;

b. Adequate and appropriate technical and support services for the proposed project;

c. Adequate computer and data management systems for the proposed analyses; and

d. Plan and capacity for storing the data securely and confidentially.

4. Conduct the proposed analyses. The recipient will:

a. Conduct the:

(1) Follow-up or secondary analysis of outcome, process, or economic data from the data set (Activity 1); or

(2) Analysis of the data set for methodological implications (Activity 2);

b. Apply appropriate statistical methods; and

c. Adhere to the proposed timeline for completion.

5. Disseminate results. The recipient is expected to publish the results of the funded analyses in a peer-reviewed journal and to prepare a report on the implication of those results for improving HIV prevention programs or future behavioral research.

Evaluation Criteria

Applications for Activities 1 and 2 will be reviewed and evaluated according to the following criteria:

1. Description of the Behavioral Intervention (15 points).

Thoroughness of the description of the intervention that generated the proposed data set, including completion and evaluation. Clarity of the goal of the intervention. Quality of the intervention design, components, and methods. Appropriateness of the theoretical basis for the target population and intervention method. Appropriateness of the intervention methods for the target population.

2. Quality of the Proposed Data Set (20 points).

Detailed description of the proposed data set, including contents, quality, size, integrity, and format. Statement whether the data are process, outcome, or economic. Description of previous analyses on the data set. Presence of required reprints. Demonstrated possession of or access to the data set.

3. Quality of the Research Question(s) (20 points).

Appropriateness of the research question(s) for the data set and the data collection design. Contribution toward improving HIV prevention programs and HIV behavioral intervention research and its effectiveness. Uniqueness of the research question(s) and proposed analysis for the data set. Adequacy of justification for the proposed analysis and for additional funding if more than one analysis is proposed.

4. Adequacy of the Analysis Plan (20 points).

Thoroughness of analysis plan. Reasonableness and appropriateness to the data set, including demonstration that the data set is large enough to have the statistical power for the proposed analyses. Statistical rigor and complexity. Adequacy of time line.

5. Analytic Capability (25 points).

Overall ability of the applicant to perform the proposed analysis as reflected in staff qualifications, experience, demonstrated familiarity with HIV behavioral interventions, and statistical expertise. Clarity of the described duties and responsibilities of project personnel. The extent to which staff time commitments for the conduct of the analysis are realistic and sufficient. Quality of applicant's previous statistical and methodologic work. Adequacy of the facilities, equipment, and plans for the administration of the project. Quality of data processing and analysis capacity. Appropriate data management, software, and statistical packages for the proposed analysis. Adequacy of systems for the management of data security. Presence of required documentation.

6. Budget (not scored).

Extent to which the budget is reasonable, itemized, clearly justified, and consistent with the intended use of the funds.

Funding Priorities

It is the intention of this announcement to solicit proposals to fund further analyses of data sets from completed HIV behavioral intervention research. For Activity 1, priority will be given to proposals requesting funds to conduct quantitative analysis of outcome, process, or economic data collected during HIV intervention studies. Outcome (dependent) variables may include both behavioral and biological markers. Analysis of qualitative data or analysis of behavioral determinants may also be included if such data were collected during the implementation phase of intervention studies and are relevant to understanding the impact of a specific intervention. For Activity 2, priority will be given to proposals to conduct secondary analysis of existing behavioral intervention data with methodological implications for how to conduct, analyze, or interpret research findings from behavioral intervention studies.

Interested persons are invited to comment on the proposed funding priorities. All comments received on or before July 15, 1996, will be considered before the final funding priority is established. If the funding priorities should change as a result of any comments received, revised applications will be accepted prior to the final selection of awards.

Written comments should be addressed to: Van Malone, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 300, Mailstop E15, Atlanta, GA 30305.

Executive Order 12372 Review

Applications are subject to Intergovernmental Review of Federal Programs as governed by Executive Order (E.O.) 12372. E.O. 12372 sets up a system for State and local government review of proposed Federal assistance applications. Applicants (other than federally recognized Indian tribal governments) should contact their State Single Point of Contact (SPOC) as early as possible to alert them to the prospective applications and receive any necessary instructions on the State process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC for each affected State. A current list of SPOCs is included in the application kit. If SPOCs have any State process recommendations on applications submitted to CDC, they should send

them to Van Malone, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 300, Mailstop E15, Atlanta, GA 30305, no later than 30 days after the application deadline. (The appropriation for this financial assistance program was received late in the fiscal year and would not allow for an application receipt date which would accommodate the 60-day State recommendation process period.) The granting agency does not guarantee to ''accommodate or explain'' for State process recommendations it receives after that date.

Indian tribes are strongly encouraged to request tribal government review of the proposed application. If tribal governments have any tribal process recommendations on applications submitted to the CDC, they should forward them to Van Malone, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 300, Mailstop E15, Atlanta, GA 30305. This should be done no later than 30 days after the application deadline date. The granting agency does not guarantee to ''accommodate or explain'' for tribal process recommendations it receives after that date.

Public Health System Reporting Requirements

This program is subject to the Public Health System Reporting Requirements. Under these requirements, all community-based nongovernmental applicants must prepare and submit the items identified below to the head of the appropriate State and/or local health agency(s) in the program area(s) that may be impacted by the proposed project no later than the receipt date of the Federal application. The appropriate State and/or local health agency is determined by the applicant. The following information must be provided:

A. A copy of the face page of the application (SF 424).

B. A summary of the project that should be titled ''Public Health System Impact Statement'' (PHSIS), not exceed one page, and include the following:

1. A description of the population to be served;

2. A summary of the services to be provided; and

3. A description of the coordination plans with the appropriate state and/or local health agencies.

If the State and/or local health official should desire a copy of the entire application, it may be obtained from the Single Point of Contact (SPOC) or directly from the applicant.

Catalog of Federal Domestic Assistance Number

Catalog of Federal Domestic Assistance number is 93.941.

Other Requirements

HIV/AIDS Requirements

Recipients must comply with the document entitled Content of AIDS-Related Written Materials, Pictorials, Audiovisuals, Questionnaires, Survey Instruments, and Educational Sessions (June 1992) (a copy is in the application kit). To meet the requirements for a program review panel, recipients are encouraged to use an existing program review panel, such as the one created by the State health department's HIV/AIDS prevention program. If the recipient forms its own program review panel, at least one member must be an employee (or designated representative) of a State or local health department. The names of the review panel members must be listed on the Assurance of Compliance for CDC 0.1113, which is also included in the application kit. The recipient must submit the program review panel's report that indicates all materials have been reviewed and approved.

Application Submission and Deadlines

1. Preapplication Letter of Intent

A non-binding letter of intent-to-apply is required from potential applicants. An original and two copies of the letter should be submitted to the Grants Management Branch, CDC (see ''Applications'' for the address). It should be postmarked no later than July 15, 1996. The letter should identify the announcement number, name of principal investigator, and specify the activity(ies) to be addressed by the proposed project. The letter of intent does not influence review or funding decisions, but it will enable CDC to plan the review more efficiently, and will ensure that each applicant receives timely and relevant information prior to application submission.

2. Applications

An original and two copies of the application PHS Form 5161–1, OMB Number 0937–0189) must be submitted to Van Malone, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 300, Mailstop E–15, Atlanta, GA 30305, on or before August 15, 1996.

3. Deadlines

A. Applications shall be considered as meeting the deadline if they are either:

(1) Received on or before the deadline date; or

(2) Sent on or before the deadline date and received in time for submission to the objective review group. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or the U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

B. Applications that do not meet the criteria in 3.A.(1) or 3.A.(2) above are considered late applications. Late applications will not be considered in the current competition and will be returned to the applicant.

Where to Obtain Additional Information

To receive additional information call (404) 332–4561. You will be asked to leave your name, address, and phone number and will need to refer to Announcement 626. You will receive a complete program description, information on application procedures, and application forms.

If you have questions after reviewing the contents of all the documents, business management technical assistance may be obtained from Adrienne Brown, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 300, Mailstop E–15, Atlanta, GA 30305, telephone (404) 842–6634, email: <asm1@opspgo1.em.cdc.gov>. Programmatic technical assistance may be obtained from Robert Kohmescher, Division of HIV/AIDS Prevention, National Center for HIV/STD/TB Prevention, Centers for Disease Control and Prevention (CDC), 1600 Clifton Road, NE., Mailstop E–44, Atlanta, GA 30333, telephone (404) 639–8302, email: <rnk1@cidhiv2.em.cdc.gov>.

Please refer to Announcement 626 when requesting information and submitting an application.

Potential applicants may obtain a copy of ''Healthy People 2000,'' (Full Report, Stock No. 017–001–00474–0) or ''Healthy People 2000,'' (Summary Report, Stock No. 017–001–00473–1) referenced in the ''INTRODUCTION,'' through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325, telephone (202) 512–1800.

Internet Home Page

The announcement will be available on one of two Internet sites on the publication date: CDC's home page at <http://www.cdc.gov>, or at the Government Printing Office home page (including free access to the Federal Register) at <http://www.access.gpo.gov>.

There may be delays in mail delivery and difficulty in reaching the CDC Atlanta offices during the 1996 Summer Olympics. Therefore, CDC suggests applicants use Internet, follow all instructions in this announcement, and leave messages on the contact person's voice mail for more timely responses to any questions.

Dated: June 4, 1996.

Joseph R. Carter,

Acting Associate Director for Management and Operations, Centers for Disease Control and Prevention (CDC).

[FR Doc. 96–14553 Filed 6–7–96; 8:45 am]

BILLING CODE 4163–18–P

[Announcement 641]

Health Promotion Disease Prevention Research Center for Teen Pregnancy Prevention

Introduction

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 1996 funds for a cooperative agreement program for a Health Promotion Disease Prevention Research Center (PRC) to address teenage pregnancy prevention. Teen pregnancy is a nationally recognized social problem requiring multifactorial approaches, including behavioral interventions that focus on prevention. The central theme for the PRC will be teenage pregnancy prevention.

CDC is committed to achieving the health promotion and disease prevention objectives of ''Healthy People 2000,'' a national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority area of Family Planning. (For ordering a copy of ''Healthy People 2000,'' see the section ''Where To Obtain Additional Information.'')

Authority

This program is authorized under Section 1706 (42 U.S.C. 300u–5), of the Public Health Service Act, as amended.

Smoke-Free Workplace

CDC strongly encourages all grant recipients to provide a smoke-free workplace and promote the nonuse of all tobacco products, and Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities that receive Federal funds in which education, library, day care, health care, and early childhood development services are provided to children.

Eligible Applicants

Assistance will be provided to an academic health center defined as a school of public health, medicine, or osteopathy that has:

A. Multidisciplinary faculty with expertise in public health and which has working relationships with relevant groups in such fields as medicine, psychology, nursing, social work, education, and business.

B. Graduate training programs relevant to disease prevention.

C. Core faculty in epidemiology, biostatistics, social sciences, behavioral and environmental health sciences, and health administration.

D. Demonstrated curriculum in disease prevention.

E. Capability for residency training in public health or preventive medicine.

Eligible applicants may enter into contracts, including consortia agreements (as described in the PHS Grants Policy Statement), as necessary to meet the essential requirements of this program and to strengthen the overall application.

In Senate Report 50–52, Congress directed CDC to initiate one new prevention center that would ''* * * focus on research, demonstration, evaluation, and training, for health and other public sector professionals, and community-based organizations to prevent teen pregnancy.'' This report further stated that the development and evaluation of successful programs which prevent teen pregnancies is one of the nation's most pressing needs.

Excluded are the University of Washington, Columbia University School, Johns Hopkins University, University of North Carolina at Chapel Hill, University of South Carolina, University of Alabama at Birmingham, the University of Illinois at Chicago, University of Texas Health Science Center at Houston, and the University of California at Berkeley, which were funded under Program Announcement 328: ''Health Promotion and Disease Prevention Research Centers Cooperative Agreements''; the University of Oklahoma, the University of New Mexico, and Saint Louis University, which were funded under Program Announcement 432: ''Health Promotion and Disease Prevention Research Centers Cooperative Agreements''; and the West Virginia Health Promotion and Disease Prevention Research Center funded under Program Announcement 461: ''West Virginia Health Promotion and Disease Prevention Research Center Cooperative Agreement.''

Availability of Funds

Approximately $375,000 is available in FY 1996 to fund 1 Health Promotion and Disease Prevention Research Center dedicated to teenage pregnancy prevention. It is expected that the award will be made on or about September 30, 1996. The award will be funded for a 12-month budget period within a project period of up to 2 years.

Continuation awards within the project period are made on the basis of satisfactory progress and the availability of funds.

If requested, Federal personnel may be assigned to a project in lieu of a portion of the financial assistance.

The amount of this award may not be adequate to support the PRC activities and other sources of funding may be necessary.

Purpose

The purpose of this award is to support health promotion and disease prevention research that focuses on teen pregnancy prevention.

Program Requirements

The primary goal of the Health Promotion Disease Prevention Research Center Program will be to advance the scientific knowledge base and work with CDC-funded demonstration programs, such as Special Interest Projects (SIPs), to identify and disseminate strategies for teen pregnancy prevention. Lessons learned from these programs will be translated into models for teen pregnancy prevention, advance professional and community education and training so that effective interventions for teenage pregnancy prevention can be more fully integrated into communities.

The Health Promotion Disease Prevention Research Center Program must be interdisciplinary in approach, provide a behavioral science and evaluation focus, educate professionals, and work directly with teen populations through community partnerships.

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the activities under A. (Recipient Activities), and CDC will be responsible for the activities listed under B. (CDC Activities).

A. Recipient Activities

1. Implement and evaluate one or more existing strategies that demonstrate teen pregnancy prevention in a defined community or targeted population.

2. Implement and evaluate a ''demonstration project'' in teen pregnancy prevention with a State/local health/education department, or community based organization.

3. Establish collaborative activities with appropriate community organizations, national and professional organizations, health and education agencies at the State and local level.

4. Establish an advisory committee to provide input on major program activities. The committee should include a multidisciplinary team comprised of behavioral scientists, a variety of health-care providers, health and education agency officials, voluntary health organizations and consumers including teens.

5. Coordinate and collaborate with other health and human services supported research programs to prevent duplication and enhance overall efforts.

B. CDC Activities

1. Collaborate as appropriate with recipient in all stages of the project.

2. Provide programmatic and technical assistance.

3. Participate in improving program performance through consultation based on information and activities of other projects.

4. Provide scientific collaboration.

5. At the request of the applicant, assign Federal personnel in lieu of a portion of the financial assistance to assist with developing the curriculum, training, or conducting other specific necessary activities.

6. Facilitate the coordination and collaboration of prevention center research with other health and human services supported research programs that address teen pregnancy prevention so that duplication is avoided and overall research efforts and findings are maximized.

Evaluation Criteria

Applications will be reviewed and evaluated through a dual review process. The first review will be a peer evaluation of the scientific and technical merit of the application conducted by the Prevention Centers Grant Review Committee. The second review will be conducted by senior Federal staff, who will consider the results of the first review, national program needs, and relevance to the mission of CDC. Awards will be made on the basis of priority score rankings by the peer review, recommendations based on program review by senior Federal staff, and the availability of funds.

The Prevention Center Grants Program Objective Review Committee may recommend approval or disapproval based on the intent of the application and the following criteria:

A. Background Section (25 points)

1. The extent to which the applicant understands and identifies the problems related to teenage pregnancy and prevention, assesses the current state of the art in teen pregnancy prevention, identifies gaps in current evaluation and intervention, and professional training needs.

2. The extent to which community(ies) needs that will be served by the PRC are identified and provides supporting documentation comparing these needs with 1 above.

3. The extent to which the applicant demonstrates their capacity and unique resource to decrease the number of teen pregnancies in the community(ies) served by the PRC or to build the capacity of agencies or professionals that serve teenagers.

B. Goals and Objectives (5 points)

The extent to which the overall program plan has clear objectives that are specific, measurable, and realistic, and makes effective use of Prevention Center resources to advance the theme of teenage pregnancy prevention.

C. Specific Project Plans (45 points)

The technical and scientific merits of the proposed projects, the potential to achieve the stated objectives and the extent to which the applicant's plans are consistent with the purpose of the program.

1. Core activities.

2. Demonstration and evaluation projects.

3. Collaborative project with State and local health or education department, or community organizations.

4. Prevention Research Training and training on teen pregnancy prevention.

5. The extent to which findings and results from the PRC's research will be communicated and shared with professional and lay communities.

6. The degree to which the applicant has met the CDC Policy requirements regarding the inclusion of women, ethnic, and racial groups in the proposed research. This includes:

a. The proposed plan for the inclusion of both sexes and racial and ethnic minority populations for appropriate representation.

b. The proposed justification when representation is limited or absent.

c. A statement as to whether the design of the study is adequate to measure differences when warranted.

d. A statement as to whether the plans for recruitment and outreach for study participants include the process of establishing partnerships with community(ies) and recognition of mutual benefits will be documented.

D. Other Activities (5 points)

The extent to which prevention research, developmental and evaluation research, and behavioral science research are integrated into the proposal.

E. Management and Staffing Plan (15 points)

The extent to which the applicant demonstrates the institution's ability and capacity to carry out the overall theme, objectives, and specific project plans.

F. Evaluation Plan (5 points)

The extent to which the overall Prevention Center theme and objectives will be evaluated in regard to progress, efficacy, and cost benefit.

G. Budget (Not Scored)

The extent to which the budget and justification are consistent with the program objectives and purpose. Applicants are strongly urged to include a plan for obtaining additional resources that lead to institutionalization of the Center.

H. Human Subjects (Not Scored)

Whether or not exempt from the Department of Health and Human Services (DHHS) regulations, are procedures adequate for the protection of human subjects? Recommendations on the adequacy of protections include: (1) protections appear adequate and there are no comments to make or concerns to raise, or (2) protections appear adequate, but there are comments regarding the protocol, or (3) protections appear inadequate and the ORG has concerns related to human subjects; or (4) disapproval of the application is recommended because the research risks are sufficiently serious and protection against the risks are inadequate as to make the entire application unacceptable.

I. Review by Senior Federal Staff

Further review will be conducted by senior Federal staff. Factors to be considered will be:

1. Results of the peer review.

2. Program needs and relevance to national goals.

3. Budgetary considerations.

Executive Order 12372 Review

Applications are subject to Intergovernmental Review of Federal Programs as governed by Executive Order (E.O.) 12372. E.O. 12372 sets up a system for State and local government review of proposed Federal assistance applications. Applicants should contact their state Single Point of Contact (SPOC) as early as possible to alert them to the prospective applications and receive any necessary instructions on the State process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC for each affected State. A current list of SPOCs is included in the application kit. If SPOCs have any State process recommendations on applications submitted to CDC, they should send them to Sharron P. Orum, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Atlanta, GA 30305, no later than 45 days after the application deadline date (the appropriation for this financial assistance program was received late in the fiscal year and would not allow for an application receipt date which would accommodate the 60-day State recommendation process period). The Program Announcement Number and Program Title should be referenced on the document. The granting agency does not guarantee to ''accommodate or explain'' State process recommendations it receives after that date.

Public Health System Reporting Requirements

This program is not subject to the Public Health System Reporting Requirements.

Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance number is 93.135.

Other Requirements

Human Subjects

If the proposed project involves research on human subjects, the applicant must comply with the Department of Health and Human Services Regulations, 45 CFR Part 46, regarding the protection of human subjects. Assurance must be provided to demonstrate that the project will be subject to initial and continuing review by an appropriate institutional review committee. The applicant will be responsible for providing assurance in accordance with the appropriate guidelines and form provided in the application kit.

Women, Racial, and Ethnic Minorities

It is the policy of the CDC and the Agency for Toxic Substances and Disease Registry (ATSDR) to ensure that individuals of both sexes and the various racial and ethnic groups will be included in CDC/ATSDR-supported research projects involving human subjects, whenever feasible and appropriate. Racial and ethnic groups are those defined in OMB Directive No. 15 and include American Indian, Alaskan Native, Asian, Pacific Islander, Black and Hispanic. Applicants shall ensure that women, racial and ethnic minority populations are appropriately represented in applications for research involving human subjects. Where clear and compelling rationale exist that inclusion is inappropriate or not feasible, this situation must be explained as part of the application. In conducting review for scientific merit, review groups will evaluate proposed plans for inclusion of minorities and both sexes as part of the scientific assessment of scoring.

This policy does not apply to research studies when the investigator cannot control the race, ethnicity and/or sex of subjects. Further guidance to this policy is contained in the Federal Register, Vol. 60, No. 179, pages 47947–47951, dated Friday, September 15, 1995.

Application Submission and Deadlines

The original and five copies of the application PHS 398 form (Revised 5/95, OMB No. 0925–0001) must be submitted to Sharron P. Orum, Grants Management Officer, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 314, Mailstop E–18, Atlanta, GA 30305, on or before July 15, 1996.

1. Deadline: Applications shall be considered as meeting the deadline if they are either:

(a) Received on or before the deadline date; or

(b) Sent on or before the deadline date and received in time for submission to the objective review group. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

2. Late Applications: Applications which do not meet the criteria in 1.(a) or 1.(b) above are considered late applications. Late applications will not be considered in the current competition and will be returned to the applicant.

Where To Obtain Additional Information

A complete program description, information on application procedures, an application package, and business management technical assistance may be obtained from Glynnis D. Taylor, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., Room 314, Mailstop E–18, Atlanta, GA 30305, telephone (404) 842- 6508, by fax (404) 842–6513, or by Internet or CDC WONDER electronic mail at <gld1@opspgo1.em.cdc.gov>. Programmatic technical assistance may be obtained from Patricia L. Riley, C.N.M., M.P.H., Director, Health Promotion Disease Prevention Research Center Program, or Donald E. Benken, M.P.H., Health Education Specialist, National Center for Chronic Disease Prevention and Health Promotion, Centers for Disease Control and Prevention (CDC), 4770 Buford Highway, NE., Mailstop K–30, Atlanta, GA 30341–3724, telephone (404) 488–5395 or by Internet or CDC WONDER electronic mail at <pyr0@ccdod1.em.cdc.gov> or <dxb0@ccdash1.em.cdc.gov>.

Please refer to Program Announcement Number 641 when requesting information and submitting an application.

Potential applicants may obtain a copy of ''Healthy People 2000'' (Full Report, Stock No. 017–001–00474–0) or ''Healthy People 2000'' (Summary Report, Stock No. 017–001–00473–1) referenced in the ''Introduction'' through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325, telephone (202) 512–1800.

There may be delays in mail delivery and difficulty in reaching the CDC Atlanta offices during the 1996 Summer Olympics. Therefore, CDC suggests using Internet, following all instructions in this announcement and leaving messages on the contact person's voice mail for more timely responses to any questions.

Dated: June 3, 1996.

Joseph R. Carter,

Acting Associate Director for Management and Operations, Centers for Disease Control and Prevention (CDC).

[FR Doc. 96–14555 Filed 6–7–96; 8:45 am]

BILLING CODE 4163–18–P

Administration for Children and Families

New and Pending Demonstration Project Proposals Submitted Pursuant to Section 1115(a) of the Social Security Act: May 1996

AGENCY: Administration for Children and Families, HHS.

ACTION: Notice.

SUMMARY: This notice lists new proposals for welfare reform and combined welfare reform/Medicaid demonstration projects submitted to the Department of Health and Human Services for the month of May, 1996. It includes both those proposals being considered under the standard waiver process and those being considered under the 30 day process. Federal approval for the proposals has been requested pursuant to section 1115 of the Social Security Act. This notice also lists proposals that were previously submitted and are still pending a decision and projects that have been approved since May 1, 1995. The Health Care Financing Administration is publishing a separate notice for Medicaid only demonstration projects.

Comments: We will accept written comments on these proposals. We will, if feasible, acknowledge receipt of all comments, but we will not provide written responses to comments. We will, however, neither approve nor disapprove new proposals under the standard application process for at least 30 days after the date of this notice to allow time to receive and consider comments. Direct comments as indicated below.

ADDRESSES: For specific information or questions on the content of a project contact the State contact listed for that project.

Comments on a proposal or requests for copies of a proposal should be addressed to: Howard Rolston, Administration for Children and Families, 370 L'Enfant Promenade, SW., Aerospace Building, 7th Floor West, Washington DC 20447. FAX: (202) 205–3598; PHONE: (202) 401–9220.

SUPPLEMENTARY INFORMATION:

I. Background

Under Section 1115 of the Social Security Act (the Act), the Secretary of Health and Human Services (HHS) may approve research and demonstration project proposals with a broad range of policy objectives.

In exercising her discretionary authority, the Secretary has developed a number of policies and procedures for reviewing proposals. On September 27, 1994, we published a notice in the Federal Register (59 FR 49249) that specified (1) The principles that we ordinarily will consider when approving or disapproving demonstration projects under the authority in section 1115(a) of the Act; (2) the procedures we expect States to use in involving the public in the development of proposed demonstration projects under section 1115; and (3) the procedures we ordinarily will follow in reviewing demonstration proposals. We are committed to a thorough and expeditious review of State requests to conduct such demonstrations.

On August 16, 1995, the Secretary published a notice in the Federal Register (60 FR 42574) exercising her discretion to request proposals testing welfare reform strategies in five areas. Since such projects can only incorporate provisions included in that announcement, they are not subject to the Federal notice procedures. The Secretary proposed a 30 day approval process for those provisions. As previously noted, this notice lists all new or pending welfare reform demonstration proposals under section 1115. Where possible, we have identified the proposals being considered under the 30 day process. However, the Secretary reserves the right to exercise her discretion to consider any proposal under the 30 day process if it meets the criteria in the five specified areas and the State requests it or concurs.

II. Listing of New and Pending Proposals for the Month of May, 1996

As part of our procedures, we are publishing a monthly notice in the Federal Register of all new and pending proposals. This notice contains proposals for the month of May, 1996.

Project Title: California—Work Pays Demonstration Project (Amendment).

Description: Would amend Work Pays Demonstration Project by adding provisions to: reduce benefit levels by 10% (but retaining the need level); reduce benefits an additional 15% after 6 months on assistance for cases with an able-bodied adult; time-limit assistance to able-bodied adults to 24 months, and not increase benefits for children conceived while receiving AFDC.

Date Received: 3/14/94.

Type: AFDC.

Current Status: Pending.

Contact Person: Glen Brooks, (916) 657–3291.

Project Title: California—Work Pays Demonstration Project (Amendment).

Description: Would amend the Work Pays Demonstration Project by adding provisions to not increasing AFDC benefits to families for additional children conceived while receiving AFDC.

Date Received: 11/9/94.

Type: AFDC.

Current Status: Pending.

Contact Person: Bruce Wagstaff, (916) 657–2367.

Project Title: California—Assistance Payments Demonstration Project/ California Work Pays Demonstration Project (Amendment)

Description: Would amend the Assistance Payments Demonstration Project/California Work Pays Demonstration Project by adding provisions to California to allow two additional AFDC benefit reductions: (1) reduce the Maximum Aid Payment (MAP) by 4.9 percent across-the-board statewide; and (2) divide California counties into two regions based on housing costs, and reduce both the Need Standard and the MAP in the region with the lower costs. In addition, the State is requesting blanket authority for future reductions in AFDC payment levels in conjunction with welfare reform state law changes.

Date Received: 3/13/96.

Type: AFDC/Medicaid.

Current Status: Pending.

Contact Person: Bruce Wagstaff, (916) 657–2367.

Project Title: California—Assistance Payments Demonstration Project/ California Work Pays Demonstration Project (Amendment)

Description: Would amend the Assistance Payments Demonstration Project/California Work Pays Demonstration Project by adding provisions to allow one additional provision: income of a senior parent living in the same household with a minor parent with a dependent child will not be deemed to the minor parent's child.

Date Received: 3/13/96.

Type: AFDC.

Current Status: Pending.

Contact Person: Bruce Wagstaff, (916) 657–2367.

Project Title: Florida—Family Responsibility Act.

Description: Statewide, would require dependent children and caretaker relatives under age 18 to remain in school; pay half the AFDC benefit increment for the first child conceived by an AFDC recipient and provide no cash benefits for a second or subsequent child; exclude from the AFDC budget child support payments for children subject to the family cap; require AFDC recipients not participating in JOBS or actively seeking employment to engage

in 20 hours per week of community employment or work experience.

Date Received: 10/4/95.

Type: Combined AFDC/Medicaid.

Current Status: Pending.

Contact Person: Sallie P. Linton, (904) 921–5572.

Project Title: Georgia—Jobs First Project.

Description: In ten pilot counties, would replace AFDC payment with paid employment; extend transitional Medicaid to 24 months; eliminate 100 hour employment rule for eligibility determination in AFDC–UP cases.

Date Received: 7/5/94.

Type: AFDC.

Current Status: Pending (not previously published).

Contact Person: Nancy Meszaros, (404) 657–3608.

Project Title: Hawaii—Pursuit Of New Opportunities (PONO).

Description: Would limit benefits to 60 months in a lifetime for all households except those exempt from work requirements; for all non-exempt households, progressively reduce the grant amount, by 20% after 2 months, then in annual stages to 50% in the fifth year of eligibility; exclude the income of dependent, minor student recipients from the 185% Gross Income Test; require all non-high school graduate or non-GED certified minor parent heads of households to participate in educational activities; use a Benefit Reduction Rate formula to allow participants to offset progressive grant reductions by keeping a larger portion of any earned income; eliminate all of AFDC–UP categorical requirements; strengthen JOBS participation requirements by eliminating certain exemptions such as, remoteness due to excessive travel time, current work activity, the non-principal earner in a two parent household, or full-time VISTA participants, etc.; allow families to retain up to $5,000 in resources; disregard one motor vehicle, regardless of equity value, needed for self-sufficiency purposes; delete the $50 child support pass-through; disregard all student loans, grants and scholarships as income.

Date Received: 05/07/96.

Type: AFDC.

Current Status: New (replaces previous pending application).

Contact Person: Kristine Foster, (808) 586–5729.

Project Title: Illinois—Six Month Paternity Establishment Demonstration.

Description: In 20 counties, would require the establishment of paternity, unless good cause exists, within 6 months of application or redetermination as a condition of AFDC and Medicaid eligibility for both mother and child; would deny Medicaid to children age 7 and under, exclude children from filing rules, and exempt Department from making protective payments to eligible children, when custodial parent has not cooperated in establishing paternity; delegate the establishment of paternity in uncontested cases to caseworkers who perform assistance payment or social service functions under title IV–A or XX.

Date Received: 7/18/95.

Type: AFDC/Medicaid.

Current Status: Pending.

Contact Person: Karan D. Maxson, (217) 785–3300.

Project Title: Indiana—Impacting Families Welfare Reform Demonstration—Amendments.

Description: Statewide, proposes expansions and amendments to current demonstration to impose a lifetime 24-month limit on cash assistance and categorical Medicaid eligibility (12 months for resident alien); allow 1 month AFDC credit (to a maximum of 24 at any one time) for each 6 consecutive months full-time employment; count each month of AFDC receipt from another state within the previous 3 years as 1 month against the lifetime limit; restrict permissible ''specified relatives'' for AFDC children and minor parents; extend AFDC, Medicaid, and food stamp fraud disqualification penalties; establish 3 unexcused absences per year as the statewide definition of unacceptable school attendance; provide a voucher equal to 50% of assistance amount for family cap child for goods and services related to child care; divert AFDC grants to subsidize child care costs; establish an option for an employed AFDC recipient to receive guaranteed child care or an AFDC payment equal to the family's benefit before employment; require a child's mother to establish paternity as a condition of eligibility for the child and the caretaker; establish additional conditions of eligibility for AFDC; impose penalties for illegal drug use; base CWEP hours on the combined value of AFDC and Medicaid assistance; make JOBS volunteers subject to the same sanctions as mandatory participants; continue eligibility for AFDC recipients until countable income reaches 100% of the federal poverty guidelines; expand voluntary quit definition and penalties; impose income limits on transitional Medicaid and child care and limit each to 12 months in a person's lifetime; with some exceptions, deny Medicaid under all coverage provisions to those determined ineligible as a result of AFDC welfare reform provisions; restrict Medicaid payments made to employees with employer's health care benefits to the lesser of the employee's insurance premium or the amount the state would otherwise pay; and require minor parents to live with a legally responsible adult and count the income and resources of non-parent adults. Additional provisions: Food Stamp recipients could be required to participate CWEP and job search; increase AFDC and Food Stamp penalties for non-compliance with CWEP and job search; require cooperation with child support as condition of eligibility for Food Stamps.

Date Received: 12/14/95; Amendment received 2/6/96.

Type: Combined AFDC/Medicaid.

Current Status: Pending.

Contact Person: James H. Hmurovich, (317) 232–4704.

Project Title: Kansas—Actively Creating Tomorrow for Families Demonstration.

Description: Amended pending demonstration to provide that the demonstration would: replace $30 and ⅓ income disregard with continuous 40% disregard; disregard lump sum income, income and resources of children in school and interest income; count income and resources of adults, and at State option children, who receive SSI; exempt one vehicle without regard for equity value; eliminate 100-hour rule and work history requirements for UP cases; expand AFDC eligibility to pregnant women in 1st and 2nd trimesters; eliminate eight week job search limitation; allow alcohol and drug screening and treatment as a JOBS activity; eliminate the 20-hour work requirement limit for parents with children under 6; delay the effective date of changes in household composition; make work requirements in the AFDC and Food Stamp programs more uniform; and increase sanctions for not cooperating with child support enforcement activities and violations of employment and JOBS requirements.

Date Received: 7/26/94; amendment received 4/30/96.

Type: Combined AFDC/Medicaid.

Current Status: Pending.

Contact Person: Diane Dystra, (913) 296–3028.

Project Title: Maine—Welfare to Work Program.

Description: Statewide, would require caretaker relatives to sign a family contract; require participation in parenting classes and health care services; provide one-time vendor payments in lieu of AFDC for the

purpose of obtaining/retaining employment; provide voucher payments to both married and unmarried minor parents; limit JOBS exemptions; expand eligibility for Transitional Medicaid and Child Care and replace sliding-scale fees with flat-rate fees; reduce Transitional Medicaid reporting requirements; disregard entire value of one vehicle; and apply any federal savings to the JOBS program services. In selected sites, implement ASPIRE-Plus, a subsidized employment program, would cash out food stamps, divert AFDC benefits and pass through all child support collected to families who participate in ASPIRE-Plus.

Date Received: 9/20/95.

Type: AFDC/Medicaid.

Current Status: Pending.

Contact Person: Susan Dustin, (207) 287–3104.

Project Title: Maryland.

Description: Statewide, would expand, with some modifications, previously approved Family Investment Program (FIP) pilot county provisions to be statewide and introduce new provisions: replace the current $90 and $30-and-one-third exclusions with a flat 20% earned income deduction, 50% for self-employed earned income; limit the child care disregard to $175 in all cases; allow case managers to set AFDC certification periods up to 1 year and require eligibility to be re-established before the end of each certification period; modify JOBS exemption requirements; allow $2,000 in countable resources and exclude one vehicle per household, life insurance, and certain real property; count stepparent income only if it is more than 50% of the poverty level; allow non-custodial parents and stepparents to participate in JOBS; provide welfare avoidance grants of up to 3 months benefit amount (up to 12 months in special circumstances); allow IV-A child care funds in lieu of AFDC for families diverted from cash assistance; impose immediate full-family sanctions for fraud and for failure to cooperate with JOBS or child support enforcement requirements; reduce the adverse notification period to 5 days; eliminate the $50 child support pass-through; allow only 1 assistance unit per family or payee; eliminate deprivation as an eligibility factor; change treatment of lump sums; eliminate JOBS assessment and employability plans; and modify JOBS program requirements.

Date Received: 4/26/96.

Type: AFDC.

Current Status: Pending.

Contact Person: Kathy Cook, (410) 767–7055.

Project Title: Michigan—To Strengthen Michigan Families Demonstration Project (Amendment).

Description: Statewide, would require minor parents to live with their parent or other suitable adult; and require minor parents who have not graduated from high school to attend school as a condition of family eligibility.

Date received: 4/26/96.

Type: AFDC.

Current Status: Pending.

Contact Person: Dan Cleary, (517) 335–0015.

Project Title: Minnesota—Work First Program.

Description: In pilot counties, would provide vendor payments in lieu of regular AFDC benefits for applicants' rent and utilities for up to six months; sanction for at least six months job-ready applicants who fail to comply with job search and other applicants who fail to participate in JOBS orientation; and require part-time CWEP of unemployed, nonexempt job-ready individuals who fail to participate in job search for 32 hours/week or who after eight weeks of job search are not employed for at least 32 hours/week or not self-employed with a net income equal to the family's AFDC benefit. Individuals who refuse to participate in CWEP or are terminated from a CWEP job would incur a whole family sanction and become ineligible for AFDC for at least six months. Non-job-ready participants would be assigned appropriate education and training. Post-placement services would be provided for up to 180 days and Transitional Child Care and Medicaid without regard to AFDC receipt in 3 of the 6 months preceding ineligibility.

Date Received: 4/4/96.

Type: AFDC/Medicaid.

Current Status: Pending.

Contact Person: Gus Avenido, (612) 296–1884.

Project Title: Minnesota—AFDC Barrier Removal Project.

Description: Statewide, would expand AFDC-UP eligibility; treat minor parents living with a caretaker parent on AFDC as a separate filing unit and disregard the caretaker parents' earned income up to 200 percent of the federal poverty guideline; disregard earned income of dependent children who are at least half-time students as well as all their savings deposited into an individual development account; increase the auto-equity limit to $4,500; cease recovering overpayments (once every two years per case) due to an individual's new employment resulting in ineligibility; and determine AFDC benefit amount for a family in which all members have resided in the State for less than 12 months based on the payment standard of the state of immediate prior residence if less than Minnesota's.

Minnesota has amended this application to include a proposed provision in which families who have resided in the State of Minnesota for less than 30 days would not be eligible for AFDC with the following exceptions: (1) Either the child or caretaker relative was born in Minnesota; (2) either the child or caretaker relative has resided in the State for 365 consecutive days in the past; (3) either the child or the caretaker relative went to Minnesota to join a close relative who has resided in the State for at least one year; or (4) the caretaker relative went to Minnesota to accept a bona fide offer of employment for which he or she was eligible. For purposes of the exemption close relative is defined as a parent, grandparent, brother, sister, spouse, or child. The State would allow county agencies to waive the 30 day requirement in cases of emergency or where unusual hardship would result from denial of benefits.

Date Received: 4/4/96; amendment received 5/28/96.

Type: AFDC.

Current Status: New (Amendment only).

Contact Person: Ann Sessoms, (612) 296–0978.

Project Title: New Hampshire—Earned Income Disregard Demonstration Project.

Description: AFDC applicants and recipients would have the first $200 plus ½ the remaining earned income disregarded.

Date Received: 9/20/93.

Type: AFDC.

Current Status: Pending.

Contact Person: Avis L. Crane, (603) 271–4255.

Project Title: New Hampshire—New Hampshire Employment Program and Family Assistance Program.

Description: Statewide, would replace AFDC with Employment Program administered by both Employment Security Agency and Family Assistance Program; require job search and other employment-related activities for first 26 weeks of receipt followed by work-related activities for 26 weeks; eliminate JOBS target group funding requirement and change JOBS reporting requirements; require recipients attending post-secondary or part-time vocational training to participate in work-related activities; eliminate JOBS services priority for volunteers; establish limits for provision of transportation and other JOBS services

based on activity and local conditions; eliminate remoteness as exemption from JOBS; require non-custodial parents to participate in JOBS; increase earned income disregard to 50%; eliminate AFDC–UP eligibility requirements; allow transitional case management for up to one year; raise resource limit to $2,000 and exclude one vehicle and life insurance policies; pass through child support directly to family; take SSI income into account in determining eligibility/payment; eliminate conciliation and apply JOBS sanction of 50% of AFDC benefits for three months followed by no payment for three months, allowing option to increase initial sanction up to 100%; exempt pregnant women from JOBS only during third trimester; for minor parents cases, include in assistance unit any parent or sibling living in the home; eliminate gross income test; disregard educational grants; allow emergency assistance for families with employment-related barriers; allow States to eliminate the certificate option for child care and development block grant funds and use of these funds for capital improvement; eliminate ceiling on At Risk Child Care funds; provide that FFP for AFDC not be reduced during life of demonstration; fund computer system modifications at 80% FFP; require pregnant recipients to cooperate with child support; require that AFDC apply for Medicaid as a unit and not individually; eliminate requirement of receipt of AFDC for 3 of last 6 months in order to receive transitional Medicaid; and allow States to require that some individuals be assigned to a managed care program; substitute outcome measures for JOBS participation rates; change participation requirements for parents with children under 6, UP recipients and minors; establish a medical deduction; increase the sanction for non-cooperation with child support; exempt individuals with significant employment barriers from JOBS; treat lump sum income and all real property, except a home, as a resource; and use 20% of gross earned income as a Medicaid disregard. Also contains various Food Stamp waivers.

Date Received: 9/18/95.

Type: AFDC.

Current Status: Pending.

Contact Person: Marianne Broshek, (603) 271–4442.

Project Title: New Hampshire—New Hampshire Employment Program.

Description: In three pilot sites, would require work after 6 months of AFDC receipt; eliminate the exemption from JOBS for women in the second trimester of pregnancy; eliminate the JOBS exemption for caretaker of a child under 3 but not less than 1 year of age; replace the earned income disregard of $90 and $30 and ⅓ with a 50% disregard which is not time-limited; raise the resource limit for recipients to $2,000; disregard full value of one vehicle per adult for applicants and recipients; apply a full family sanction voluntarily quitting a job or refusing to accept a job; apply a sanction of reducing the payment standard by 30% for one month for failure to comply with JOBS in the first instance, by 60% in the second instance for one month, and in the third instance apply a full-family sanction for three months or until compliance; and require non-custodial parents to participate in JOBS.

Date Received: 10/6/95.

Type: AFDC.

Current Status: Pending.

Contact Person: Marianne Broshek, (603) 271–4442.

Project Title: New York—Learnfare Program.

Description: Would phase in statewide a provision that would require AFDC children in grades 1 through 6 to attend school regularly by mandating a sanction of removal of the child's needs from the budget group for three months in those cases, where after counseling, the child has 5 or more unexcused absences in a quarter. Benefits for parents will be terminated, for failure without good cause, to sign the release form for educational records.

Date Received: 5/31/96.

Type: AFDC.

Current Status: New.

Contact Person: Jeff Gaskell, (518) 486–3415.

Project Title: New York—Intentional Program Violation Demonstration.

Description: Statewide would change the sanction for Intentional Program Violations making the period of ineligibility of the person committing the violation dependant on both the number of offenses and the amount of the overpayment incurred as a result of the violation.

Date Received: 5/31/96.

Type: AFDC.

Current Status: New.

Contact Person: Jeff Gaskell, (518) 486–3415.

Project Title: Oklahoma—Welfare Self-Sufficiency Initiative.

Description: In four pilots conducted in five counties each, would (1) extend transitional child care to up to 24 months; (2) require that all children through age 18 be immunized and require that responsible adults with preschool age children participate in parent education or enroll the children in Head Start or other preschool program; (3) not increase AFDC benefits after birth of additional children, but provide voucher payment for the increment of cash benefits that would have been received until the child is two years old; and (4) pay lesser of AFDC benefit or previous state of residence or Oklahoma's for 12 months for new residents.

Date Received: 10/27/95.

Type: AFDC.

Current Status: Pending.

Contact Person: Raymond Haddock, (405) 521–3076.

Project Title: Pennsylvania—School Attendance Improvement Program.

Description: In 7 sites, would require school attendance as condition of eligibility.

Date Received: 9/12/94.

Type: AFDC.

Current Status: Pending.

Contact Person: Patricia H. O'Neal, (717) 787–4081.

Project Title: Pennsylvania—Savings for Education Program.

Description: Statewide, would exempt as resources college savings bonds and funds in savings accounts earmarked for vocational or secondary education and disregard interest income earned from such accounts.

Date Recevied: 12/29/94.

Type: AFDC.

Current Status: Pending.

Contact Person: Patricia H. O'Neal, (717) 787–4081.

Project Title: Tennessee—Families First.

Description: Description: Statewide, would impose 18 month time limit with 60 month lifetime limit on cash assistance for non-exempt families (extensions available under certain circumstances); require full-time (40 hours) work or combination of work and other activities such as education, training, or job search, unless exempt; eliminate many JOBS exemptions including lowering youngest-child exemption to those with a child less than 16 weeks of age; remove limits on periods of job search; impose a family cap with no increase in benefits for additional children; require unmarried teen parents without high school diploma or GED to participate in education or other approved activity; deny AFDC for three months if recipients voluntarily quit job or if applicant voluntarily quits employment within two months of AFDC application; impose whole family sanction for noncompliance with employment, training or work preparation activities; impose sanctions without a prior conciliation period; provide transitional child care and

transitional Medicaid for 18 months and without regard to months of AFDC receipt; change earned income disregards; eliminate the 100-hour rule, work history and quarters of work requirements when AFDC recipient marries and disregard new stepparent's income up to set limit; hold harmless child support arrearages owed by the new husband/wife to his/her child in the new family unit as long as the parent continues to reside in the home; require that applicants and recipients sign Personal Responsibility Plan as condition of eligibility and assure that children attend school, receive regular immunizations and health checks, and the caretaker cooperates with child support enforcement; impose significant sanction for failure of children to attend school or obtain immunizations; impose whole family sanction for failure to cooperate with child support enforcement; deny AFDC for 10 years for those convicted of fraudulently receiving benefits from two states simultaneously; allow low-income entrepreneurs to establish special accounts up to $5,000; conform AFDC and Food Stamp rules by increasing resource limit to $2,000 and counting lump sum income as a resource in the month received and after, if retained; and increase auto limit to $4,600. In 12 counties allow individual development accounts up to $5,000 and in 1 county operate a Responsible Fatherhood Demonstration Pilot using IV–D funds.

Date Received: 5/1/96.

Type: Combined AFDC/Medicaid.

Current Status: Pending.

Contact Person: Glenda Shearon, (615) 313–5652.

Project Title: Utah—Single-Parent Employment Demonstration (Amendments).

Description: Would amend the current Single Parent Employment Demonstration (SPED), requiring preschool children to be immunized and other children to attend school; considering as a single filing unit each family with a child in common, including all children in the household related to either parent; permitting parents removed from the grant due to non-cooperation or fraud to remain eligible for JOBS services, including support services; and allowing a ''best estimate'' of earnings in lieu of actual earnings so long as estimate is within $100 of actual earnings. These amendments would initially be limited to the Kearns office and later expanded to other SPED sites.

Date Received: 2/7/96.

Type: AFDC.

Current Status: Pending.

Contact Person: Bill Biggs, (801) 538–4337.

Project Title: Virginia—Virginia Independence Program (Amendment).

Description: Would amend the Virginia Independence Program to require AFDC applicants and recipients (including specified relatives other than a parent) to provide information sufficient to identify the non-custodial parent. Failure to provide the required information would result in sanctions. In any case where an applicant/recipient does not claim good cause or good cause does not exist, an affidavit from the custodial parent attesting to the lack of information about the non-custodial parent/putative father, in and of itself, would not meet the definition of cooperation. If the first two genetic tests exclude the named putative fathers, the State will impose a sanction until paternity is established. If a relative other than the parent maintains that he does not know the identity of the child's parent and has no way to help identify the parent, the sanction would not be imposed.

Date Received: 5/24/96.

Type: AFDC.

Current Status: Pending (amended provisions not previously published).

Contact Person: Barbara Cotter, (804) 692–1811.

Project Title: Wisconsin—Work Not Welfare and Pay for Performance Projects (Amendments).

Description: Statewide, would lower the JOBS exemption from a parent whose youngest child is one year old or younger to a parent whose youngest child is 12 weeks old or younger; require up to 40 hours a week in CWEP regardless of the amount of the family's AFDC grant and require participation in substance abuse and mental health treatment, as appropriate; include intentional failure or voluntary quit in a work component as a failure to cooperate with JOBS and apply JOBS program sanctions to the entire family; and limit AFDC receipt to 60 months in a lifetime, with exemptions and case-by-case extensions. The state would extend child care to families earning up to 165 percent of poverty with graduated co-payments based on the cost of care, and change IV–A cases headed by a non-needy non-legally responsible relative to IV–E cases and provide cases headed by an adult SSI recipient a special child-only grant supplement in lieu of the regular AFDC payment for the child. Both types of cases would be exempt from the time limit and work requirements. Further, the state would require minor parents to live with a parent or in an adult-supervised setting. Also the state would establish a competitive process for selection of contractors to administer county programs.

Date Received: 5/8/96; Amendments received 5/17/96.

Type: AFDC.

Current Status: New.

Contact Person: Jean Sheil, (608) 266–0613.

Project Title: Wisconsin—Wisconsin Works (W2).

Description: Statewide, would establish performance standards for the administration of Wisconsin Works (W2) along with a competitive process for selection of contractors to administer county programs. The State would provide—but not guarantee—work positions, child care and health care coverage to families (as defined by the State), whose gross income does not exceed 115 percent of the federal poverty level (FPL), whose resources do not exceed $2,500 (excluding a homestead), and whose total auto equity assets do not exceed $10,000, with a 60-day State residency requirement for eligibility. The State would count all earned and unearned income, including child support (which will be paid directly to the custodial parent), except for EITC when determining W2 eligibility. The State would require participation in substance abuse and mental health treatment, as appropriate; exempt from a work requirement parents with a child less than 12 weeks old; and provide for an appeal process for W2 eligibility and benefit decisions. The State would review an individual W2 agency's financial eligibility decision only if the applicant petitions the State within 15 days of the decision and would not pay benefits pending a decision. Applicants would be required to search for unsubsidized employment during eligibility determination, and would be denied eligibility if they refused a bona fide offer of employment in the 180 days prior to application. The State would automatically refer all W2 participants to child support for services. The State would require minor parents to live with a parent or in an adult-supervised setting to receive W2 non-employment/non-cash benefits, e.g., financial planning assistance, case management; but minor parents would not be eligible for W2 employment/cash benefits. Teen children must attend school regularly. The state would provide children whose parents are SSI recipients a payment of $77.

The W2 payment amount would be determined according to job placement: unsubsidized job, trial job (including up to $300 per month wage subsidy to employer), community service job (benefit of $555 per month), and

transitional placement (benefit of $518 per month). Community service Jobs would require 30 hours per week of work plus 10 hours per week of education and training; transitional placement jobs would require 28 hours per week of work plus 12 hours of education and training. In addition CWEP participation would be increased up to 40 hours per week. The State would sanction individuals $4.25 per each hour of non-participation in work requirements. In addition sanctions would be imposed upon the entire family for refusal to participate, without good cause, in a W2 employment position. Three refusals to participate in any W2 employment category would result in permanent ineligibility for that category. To assist families with one-time expenses, the State would provide Job Access Loans for employment support needs, e.g., car repair, uniforms, etc; and would extend child care to families earning up to 165 percent of poverty with graduated co-payments based on family income and the category of care used. Child care would only be provided to children under 13.

The State would limit participation to 24 months in any one W2 employment position and would limit lifetime eligibility for benefits to 60 months, with extensions on a case-by-case basis; the 60-month limit would apply to certain JOBS participants beginning July 1, 1996. The State would change AFDC cases headed by a non-legally responsible relative to a IV-E case; provide job search assistance and case management to non-custodial parents with a child support order; impose stricter sanctions for non-cooperation with child support; and permanently deny W2 employment after three Intentional Program Violations. Benefit overpayments will be recouped for intentional violations at a rate set by the State. Corrective payments would not be made for underpayments. Eligibility for Emergency Assistance for certain homeless persons would be limited to once in a 36-month period unless the homelessness was caused by domestic abuse, and the State would allow displacement of regular employees by W2 participants in certain cases: i.e., partial displacement (reduction in hours); impairment of existing contracts; infringement upon promotional opportunities; and filling of any established unfilled position.

The State would eliminate transitional Medicaid and expand Medicaid (i.e., the W2 Health Plan) to families with gross income up to 165 of FPL, who would then remain eligible until their income increases to 200 percent of FPL; and would incorporate a mandatory HMO enrollment or primary provider program for W2 participants. Participants would be required to pay a share of W2 Health Plan premiums according to a sliding scale, and the State would impose stricter Medicaid sanctions for non-cooperation with child support. The State would merge the Food Stamps E&T program with the W2 Work Program; modify the Food Stamps work program exemptions; eliminate the Food Stamps gross income test; require nutrition education for Food Stamps recipients; and cash out food stamps.

Date Received: 5/29/96.

Type: Combined AFDC/Medicaid.

Current Status: New.

Contact Person: Jean Sheil, (608) 266–0613.

Project Title: Wyoming—New Opportunities and New Responsibilities—Phase II (Amendments).

Description: Proposes expansion of original demonstration statewide and amendments to the current demonstration to establish a 5-year lifetime limit on cash assistance for adults, beginning with time on AFDC from July 1, 1987 (with limited exemptions and extensions); require school attendance for teen parents who do not have a high school education or its equivalent; pursue child support from the absent minor parent's parents; freeze benefits based on household size 10 months after initial qualification; replace existing earnings disregards for recipients (except no disregard will apply for recipients disqualified due to fraud, education time limits, illegal alien) with a maximum earned income disregard of $200 for recipients; expand pay-for-performance from AFDC-UP to the regular AFDC population, with limited exemptions, where failure to perform any item in the self-sufficiency plan would cause disqualification of the parent for AFDC, Food Stamps, and Medicaid; reduce the grant by $40 when a nonexempt child fails to meet the performance requirements; require able-bodied applicants and recipients to do job search for up to 16 weeks unless otherwise exempted; terminate the case when there is loss of contact with the client for 1 month after nonpayment for failure to meet the performance requirements; exclude the earned income and resources of a dependent child who is a full-time high school student; allow payment of the supplied shelter grant for households with a SSI recipient, unmarried minor parents, or recipients disqualified for other reasons (fraud, education time limits, illegal aliens); exclude one licensed vehicle with a fair market value of less than $12,000; increase the resource limit to $2,500 for those in compliance with, or exempted from, the performance requirements; and exclude veteran's service connected disability compensation if the annual income is less than the poverty level.

Date Received: 5/13/96.

Type: Combined AFDC/Medicaid.

Current Status: Pending (provisions not previously published).

Contact Person: Marianne Lee, (307) 777–6849.

III. Listing of Approved Proposals Since May 1, 1995

Project Title: Minnesota Family Investment Program (MFIP) (Amendment).

Contact Person: Chuck Johnson (612) 297–4727.

Project Title: South Carolina—Family Independence Program.

Contact Person: Linda Martin (804) 737–6010.

IV. Requests for Copies of a Proposal

Requests for copies of an AFDC or combined AFDC/Medicaid proposal should be directed to the Administration for Children and Families (ACF) at the address listed above. Questions concerning the content of a proposal should be directed to the State contact listed for the proposal.

(Catalog of Federal Domestic Assistance Program, No. 93562; Assistance Payments—Research)

Dated: June 4, 1996.

Karl Koerper,

Director, Division of Economic Independence, Office of Planning, Research and Evaluation.

[FR Doc. 96–14557 Filed 6–7–96; 8:45 am]

BILLING CODE 4184–01–P

Privacy Act of 1974; Computer Matching Programs—Department of Veterans Affairs

AGENCY: Administration for Children and Families, DHHS.

ACTION: Notice of a Computer Matching Program to Comply with Public Law (Pub. L.) 100–503, the computer Matching and Privacy Protection Act of 1988.

SUMMARY: In compliance with Public Law (Pub. L.) 100–503, the Computer Matching and Privacy Protection Act of 1988, we are publishing a notice of a computer matching program that ACF will conduct on behalf of itself, the Health Care Financing Administration (HCFA), the Food and Consumer Service (FCS), utilizing Veterans Affairs pension and compensation information

and public assistance client records of the Arizona Department of Economic Security (ADEC), California Department of Social Services (CDSS), Colorado Department of Human Services (CDHS), Connecticut Department of Human Resources (CDHR), Delaware Department of Health and Social Services (DDHSS), District of Columbia Department of Human Services (DCDHS), Florida Department of Health and Rehabilitative Services (FDHRS), Georgia Department of Human Resources (GDHR), Guam Department of Public Health and Social Services (GDPHSS), Hawaii Department of Human Services (HDHS), Illinois Department of Public Aid (IDPA), Kansas Department of Social and Rehabilitation Services (KDSRS), Kentucky Department for Social Insurance (KDSI), Louisiana Department of Social Services (LDSS), Maryland Department of Human Resources (MDHR), Massachusetts Department of Transitional Assistance (MDTA), Michigan Department of Social Services (MDSS), Nebraska Department of Social Services (NDSS), New Jersey Department of Human Services (NJDHS), New Mexico Human Services Department (NMHSD), New York Department of Social Services (NYDSS), North Carolina Department of Human Resources (NCDHR), North Dakota Department of Human Services (NDDHS), Ohio Department of Human Services (ODHS), Pennsylvania Department of Public Welfare (PDPW), Rhode Island Department of Human Services (RIDHS), South Carolina Department of Social Services (SCDSS), South Dakota Department of Social Services (SDDSS), Texas Department of Human Services (TDHS), and the Utah Department of Human Services (UDHS).

ADDRESSES: Interested parties may comment on this notice by writing to the Director, Office of State Systems, Administration for Children and Families, Aerospace Building, 370 L'Enfant Promenade, SW., Washington, DC 20047. All comments received will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: Director, Office of State Systems, Administration for Children and Families, Aerospace Building, 370 L'Enfant Promenade, SW., Washington, DC 20047; Telephone Number (202) 401–6960.

DATES: We filed a report of the subject ACF matching program with the Committee on Governmental Affairs of the Senate and the Committee on Government Reform and Oversight of the House of Representatives and the Office of Information and Regulatory Affairs, the Office of Management and Budget (OMB) on June 3, 1996.

SUPPLEMENTARY INFORMATION:

A. General

Pub. L. 100–503, the Computer Matching and Privacy Protection Act of 1988, amended the Privacy Act (5 U.S.C. 552a) by adding certain protections for individuals applying for and receiving Federal benefits. The law regulates the use of computer matching by Federal agencies when records in a system of records are matched with other Federal, State and local government records.

The amendments require Federal agencies involved in computer matching programs to:

(1) Negotiate written agreements with source agencies;

(2) Provide notification to applicants and beneficiaries that their records are subject to matching;

(3) Verify match findings before reducing, suspending or terminating an individual's benefits or payments;

(4) Furnish detailed reports to Congress and OMB; and

(5) Establish a Data Integrity Board that must approve matching agreements.

B. ACF Computer Match Subject to Pub. L. 100–503

Below is a brief description followed by a detailed notice of a computer match that ACF will be conducting as of July 15, 1996 or later.

ACF computer match with Department of Veterans Affairs (VA). Purpose: To detect and determine the amount of benefit overpayment to public assistance recipients by verifying client VA pension and compensation circumstances using VA automated data files.

Dated: June 3, 1996.

Mary Jo Bane,

Assistant Secretary for Children and Families.

Notice of Computer Matching Program

The Arizona Department of Economic Security (ADEC), California Department of Social Services (CDSS), Colorado Department of Human Services (CDHS), Connecticut Department of Human Resources (CDHR), Delaware Department of Health and Social Services (DDHSS), District of Columbia Department of Human Services (DCDHS), Florida Department of Health and Rehabilitative Services (FDHRS), Georgia Department of Human Resources (GDHR), Guam Department of Public Health and Social Services (GDPHSS), Hawaii Department of Human Services (HDHS), Illinois Department of Public Aid (IDPA), Kansas Department of Social and Rehabilitation Services (KDSRS), Kentucky Department for Social Insurance (KDSI), Louisiana Department of Social Services (LDSS), Maryland Department of Human Resources (MDHR), Massachusetts Department of Transitional Assistance (MDTA), Michigan Department of Social Services (MDSS), Nebraska Department of Social Services (NDSS), New Jersey Department of Human Services (NJDHS), New Mexico Human Services Department (NMHSD), New York Department of Social Services (NYDSS), North Carolina Department of Human Resources (NCDHR), North Dakota Department of Human Services (NDDHS), Ohio Department of Human Services (ODHS), Pennsylvania Department of Public Welfare (PDPW), Rhode Island Department of Human Services (RIDHS), South Carolina Department of Social Services (SCDSS), South Dakota Department of Social Services (SDDSS), Texas Department of Human Services (TDHS), and the Utah Department of Human Services (UDHS) public assistance client records match with VA compensation and pension records.

A. Participating Agencies

ACF, VA, ADEC, CDSS, CDHS, CDHR, DHSS, DCDHS, FDHRS, GDHS, GDPHSS, HDHS, IDPA, KDSRS, KDSI, LDSS, MDHR, MDTA, MDSS, NDSS, NJDHS, NMHSD, NYDSS, NCDHR, NDDHS, ODHS, PDPW, RIDHS, SCDSS, SDDSS TDHS and the UDHS.

B. Purpose of the Matching Program

The purpose of this matching program is to provide ADEC, CDSS, CDHS, CDHR, DHSS, DCDHS, FDHRS, GDHS, GDPHSS, HDHS, IDPA, KDSRS, KDSI, LDSS, MDHR, MDTA, MDSS, NDSS, NJDHS, NMHSD, NYDSS, NCDHR, NDDHS, ODHS, PDPW, RIDHS, SCDSS, SDDSS TDHS and the UDHS with data from the VA benefit and compensation file. ADEC, CDSS, CDHS, CDHR, DHSS, DCDHS, FDHRS, GDHS, GDPHSS, HDHS, IDPA, KDSRS, KDSI, LDSS, MDHR, MDTA, MDSS, NDSS, NJDHS, NMHSD, NYDSS, NCDHR, NDDHS, ODHS, PDPW, RIDHS, SCDSS, SDDSS TDHS and the UDHS will provide ACF with a file of Medicaid, Aid to Families with Dependent Children (AFDC), general assistance and Food Stamp clients. VA will provide ACF with a file of individuals receiving VA compensation and pension benefits. ACF, on behalf of itself, HCFA, and FCS will match the ADEC, CDSS, CDHS, CDHR, DHSS, DCDHS, FDHRS, GDHS, GDPHSS, HDHS, IDPA, KDSRS, KDSI, LDSS, MDHR, MDTA, MDSS, NDSS,

NJDHS, NMHSD, NYDSS, NCDHR, NDDHS, ODHS, PDPW, RIDHS, SCDSS, SDDSS TDHS and the UDHS files with the VA file and provide ADEC, CDSS, CDHS, CDHR, DHSS, DCDHS, FDHRS, GDHS, GDPHSS, HDHS, IDPA, KDSRS, KDSI, LDSS, MDHR, MDTA, MDSS, NDSS, NJDHS, NMHSD, NYDSS, NCDHR, NDDHS, ODHS, PDPW, RIDHS, SCDSS, SDDSS TDHS and the UDHS with VA pension and compensation benefit information. ADEC, CDSS, CDHS, CDHR, DHSS, DCDHS, FDHRS, GDHS, GDPHSS, HDHS, IDPA, KDSRS, KDSI, LDSS, MDHR, MDTA, MDSS, NDSS, NJDHS, NMHSD, NYDSS, NCDHR, NDDHS, ODHS, PDPW, RIDHS, SCDSS, SDDSS TDHS and the UDHS will use the VA information to determine the value of using VA information to verify client circumstances and to initiate adverse action when appropriate.

C. Authority for Conducting the Matching Program

ACF, HCFA, and FCS have an obligation to assist State Public Assistance Agencies in their efforts to verify client circumstances when determining an applicant's eligibility for public assistance benefits. The most cost-effective and efficient way to verify client declarations of income circumstances is by means of a computer match.

D. Categories of Records and Individuals Covered by the Match

VA will disclose information from the VA Compensation, Pension, and Education and Rehabilitation Records—VA (58 VA 21/22).

ACF will match this information with ADEC, CDSS, CDHS, CDHR, DHSS, DCDHS, FDHRS, GDHS, GDPHSS, HDHS, IDPA, KDSRS, KDSI, LDSS, MDHR, MDTA, MDSS, NDSS, NJDHS, NMHSD, NYDSS, NCDHR, NDDHS, ODHS, PDPW, RIDHS, SCDSS, SDDSS, TDHS and the UDHS Client Eligibility files.

E. Inclusive Dates of the Match

This computer match will begin no sooner than 30 days from the date HHS publishes a Computer Matching Notice in the Federal Register or 30 days from the date copies of the approved agreement and the notice of the matching program are sent to the Congressional committee of jurisdiction under subsections (0)(2)(B) and (r) of the Privacy Act, as amended, or 30 days from the date the approved agreement is sent to the Office of Management and Budget, whichever is later, provided no comments are received which result in a contrary determination.

F. Address for Receipt of Public Comments or Inquiries

Individuals wishing to comment on this matching program should submit comments to the Director, Office of State Systems, Administration for Children and Families, Aerospace Building, 370 L'Enfant Promenade, SW., Washington, DC 20047.

[FR Doc. 96–14556 Filed 6–7–96; 8:45 am]
BILLING CODE 4184–01–P

Health Care Financing Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summaries of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* Reinstatement, without change, of previously approved collection for which approval has expired; *Title of Information Collection:* End Stage Renal Disease (ESRD) Application and Survey and Certification Report Form; *Form No.:* HCFA–3427; *Use:* This form is a facility identification and screening measurement tool used to initiate the certification and recertification of ESRD facilities. The form is also completed by the Medicare/Medicaid State survey agency to determine facility compliance with ESRD conditions for coverage; *Frequency:* Annually; *Affected Public:* State, local or tribal governments; *Number of Respondents:* 2,640; *Total Annual Hours:* 2,376.

2. *Type of Information Collection Request:* Reinstatement, without change, of previously approved collection for which approval has expired; *Title of Information Collection:* Withholding Medicare Payments to Recover Medicaid Overpayments; *Form No.:* HCFA-R–21; *Use:* Medicaid providers who have received overpayments may terminate or substantially reduce their participation in Medicaid to avoid the State's effort to recover the amounts due. This provision establishes a mechanism for State agencies to recoup the overpayments by withholding Medicare payments to these providers; *Frequency:* On occasion; *Affected Public:* State, local or tribal governments; *Number of Respondents:* 54; *Total Annual Hours:* 81.

3. *Type of Information Collection Request:* Reinstatement, without change, of previously approved collection for which approval has expired; *Title of Information Collection:* Information Collection Requirements in HSQ–110, Acquisition, Protection and Disclosure of Peer Review Organization (PRO) Information—42 CFR 476.104, 476.105, 476.116, and 476.134; *Form No.:* HCFA-R–70; *Use*: ''Medicare Disclosure Information, Regulatory'' The Peer Review Improvement Act of 1982 authorizes PRO's to acquire information necessary to fulfill their duties and functions and places limits on disclosure of the information. These requirements are on the PRO to provide notices to the affected parties when disclosing information about them. These requirements serve to protect the rights of the affected parties; *Frequency:* On occasion; *Affected Public:* Business or other for profit; *Number of Respondents:* 53; *Total Annual Hours:* 30,577.

4. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Survey report Form (CLIA); *Form No.:* HCFA–1557; *Use:* Clinical Laboratory Certification and Recertification: This survey form is an instrument used by the State agency to record data collected in order to determine compliance with CLIA; *Frequency:* Biennially; *Affected Public:* Business or other for profit, not for profit institutions, Federal government and State, local or tribal governments; *Number of Respondents:* 30,225; *Total Annual Hours:* 16,322.

5. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Laboratory Personnel Report (CLIA); *Form No.:* HCFA–209; *Use:* This form is used by the State agency to determine a laboratory's compliance with personnel qualifications under CLIA. This information is needed for a laboratory's CLIA certification and recertification;

Frequency: Biennially; *Affected Public:* Business or other for profit, not for profit institutions, Federal, State , local or tribal governments; *Number of Respondents:* 26,250; *Total Annual Hours:* 13,125.

6. *Type of Information Collection Request:* Reinstatement, without change, of previously approved collection for which approval has expired; *Title of Information Collection:* Prepaid Health Plan Cost Report; *Form No.:* HCFA–276; *Use:* These forms are needed to establish the reasonable cost providing covered services to the enrolled Medicare population of an HMO in accordance with Section 1876 of the Social Security Act; *Frequency:* Quarterly, Annually; *Affected Public:* Business or other for profit; *Number of Respondents:* 82; *Total Annual Hours:* 9,934.

7. *Type of Information Collection Request:* Reinstatement, without change, of previously approved collection for which approval has expired; *Title of Information Collection:* Medicare Credit Balance Reporting Requirements; *Form No.:* HCFA–838; *Use:* The collection of credit balance information is needed to ensure that millions of dollars in improper program payments are collected. Approximately 37,600 health care providers will be required to submit a quarterly credit balance report that indicates the amount of improper payments they received that are due to Medicare. The intermediaries will monitor the reports to ensure these funds are collected; *Frequency:* Quarterly; *Affected Public:* Not for profit institutions; *Number of Respondents:* 37,600; *Total Annual Hours:* 902,400.

8. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Statement of Deficiencies and Plan of Correction; *Form No.:* HCFA–2567–A; *Use:* This Paperwork package provides information regarding deficiencies for Organ Procurement Organizations (OPO) as well as deficiencies noted during periodic facility and laboratory certification surveys. This information is used to make decisions concerning OPO redesignation, certification/recertification of health care facilities participating in the Medicare/Medicaid Programs, and laboratories regulated by CLIA. *Frequency:* Annually and Biennially; *Affected Public:* State, Local or Tribal Governments, Business or other for-profit, Not-for-profit institutions, Federal Government; *Number of Respondents:* 49,200; *Total Annual Responses:* 98,400; *Total Annual Hours Requested:* 196,800.

9. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Medicare/Medicaid Hospital Survey Report Form; *Form No.:* HCFA–1537; *Use:* Section 1861(e) of the Social Security ACT provides that hospitals participating in Medicare must meet specific requirements. These requirements are presented as conditions of Participation. State agencies must determine compliance with these conditions through the use of this report form; *Frequency:* Annually; *Affected Public:* State, Local or Tribal Governments; *Number of Respondents:* 1,322; *Total Annual Hours Requested:* 4,296.50.

To obtain copies of the supporting statement for the proposed paperwork collections referenced above, access HCFA's WEB SITE ADDRESS at http://www.hcfa.gov, or to obtain the supporting statement and any related forms, E-mail your request, including your address and phone number, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Financial and Human Resources, Management Planning and Analysis Staff, Attention: John Burke, Room C2–26–17, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: June 3, 1996.

Kathleen B. Larson,

Director, Management Planning and Analysis Staff, Office of Financial and Human Resources, Health Care Financing Administration.

[FR Doc. 96–14479 Filed 6–7–96; 8:45 am]

BILLING CODE 4120–03–P

[R–10, R–79]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, has submitted to the Office of Management and Budget (OMB) the following proposal for the collection of information. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Information Collection Requirements contained in BPD–718: Advance Directives (Medicare and Medicaid); *Form No.:* HCFA–R–10; *Use:* Certain Medicare and Medicaid organizations are responsible for collecting and documenting, in medical records, whether or not an individual has executed an advance directive. This document indicates the individual's preference if he/she is incapacitated. *Frequency:* On occasion; *Affected Public:* Business or other for-profit, Not-for-profit institutions, Federal Government, and State, Local or Tribal Government; *Number of Respondents:* 38,927; *Total Annual Responses:* 38,927; *Total Annual Hours Requested:* 908,250.

2. *Type of Information Collection Request:* Reinstatement, with change, of a previously approved collection for which approval has expired; *Title of Information Collection:* Payment Adjustment for Sole Community Hospitals; *Form No.:* HCFA–R–79; *Use:* Hospitals designated as ''Sole Community Hospitals'' that experience a five percent decrease in discharges in one cost reporting period, as compared to the previous period, due to unusual circumstances, beyond its control, may request an adjustment to its Medicare payment amount. *Frequency:* As desired; *Affected Public:* Business or other for-profit, Not-for-profit institutions, and State, Local or Tribal Government; *Number of Respondents:* 40; *Total Annual Responses:* 40; *Total Annual Hours Requested:* 160.

To request copies of the proposed paperwork collections referenced above, E-mail your request, including your address, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections should be sent within 30 days of this notice directly to the OMB Desk Officer designated at the following address: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: June 3, 1996.

Kathleen B. Larson,

Director, Management Planning and Analysis Staff, Office of Financial and Human Resources, Health Care Financing Administration.

[FR Doc. 96–14478 Filed 6–7–96; 8:45 am]

BILLING CODE 4120–03–P

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Health Care Financing Administration (HCFA), Department of Health and Human Services, has submitted to the Office of Management and Budget (OMB) the following proposals for the collection of information. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* Reinstatement, with change, of a previously approved collection for which approval has expired; *Title of Information Collection:* Physical Therapist in Independent Practice Survey Report; *Form No.:* HCFA–3042; *Use:* The Medicare Program requires physical therapists in an independent practice to meet certain health and safety requirements. The survey report records the results of an onsite survey to confirm that the health and safety requirements are met; *Frequency:* On occasion; *Affected Public:* Business or other for profit; *Number of Respondents:* 2,196; *Total Annual Hours:* 2,196.

2. *Type of Information Collection Request:* Reinstatement, without change, of a previously approved collection for which approval has expired; *Title of Information Collection:* Health Maintenance Organization (HMO) and Competitive Medical Plan (CMP) National Data Reporting Requirements (NDRR); *Form No.:* HCFA–906; *Use:* The NDRR provides the Office of Managed Care staff with information required to effectively monitor and evaluate the progress and effectiveness of the HMO/CMPs as appropriate. This ensures the protection of Federal investment and enrolled members of HMO/CMPs. Additionally, the NDRR provides statistical data for continued regulation; *Frequency:* Quarterly, annually; *Affected Public:* Business or other for profit, not for profit institutions, and state, local or tribal governments; *Number of Respondents:* 292; *Total Annual Hours:* 2,920.

3. *Type of Information Collection Request:* Reinstatement, without change, of a previously approved collection for which approval has expired; *Title of Information Collection:* Identification of Extension Units of Outpatient Physical Therapy and Outpatient Speech Pathology Providers; *Form No.:* HCFA–381; *Use:* The Medicare Program requires outpatient physical therapy and outpatient speech pathology (OPT/OSP) providers to be surveyed to determine compliance with Federal requirements. The HCFA–381 is the form used to identify OPT/OSP locations; *Frequency:* Annually; *Affected Public:* Business or other for profit; *Number of Respondents:* 2,300; *Total Annual Hours:* 575.

4. *Type of Information Collection Request:* Reinstatement, without change, of a previously approved collection for which approval has expired; *Title of Information Collection:* Fire Safety Survey Report; *Form No.:* HCFA–2786 A,B,C,D,F,G,H,J,K,L,M,P,Q; *Use:* These forms are used by the State Agency to record data collected in order to determine compliance with individual conditions during fire safety surveys and report it to the Federal Government; *Frequency:* Annually; *Affected Public:* State, local or tribal governments; *Number of Respondents:* 53; *Total Annual Hours:* 20,637.

To request copies of the proposed paperwork collections referenced above, E-mail your request, including your address, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections should be sent within 30 days of this notice directly to the OMB Desk Officer designated at the following address: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: June 3, 1996.

Kathleen B. Larson,

Director, Management Planning and Analysis Staff, Office of Financial and Human Resources, Health Care Financing Administration.

[FR Doc. 96–14480 Filed 6–7–96; 8:45 am]

BILLING CODE 4120–03–P

Health Resources and Services Administration

Availability of Funds for the Nursing Education Loan Repayment Program for Service in Certain Health Facilities

AGENCY: Health Resources and Services Administration

ACTION: Notice of available funds.

SUMMARY: The Health Resources and Services Administration (HRSA) announces that applications will be accepted for fiscal year (FY) 1996 for awards under Section 846 of the Public Health Service (PHS) Act to repay up to 85 percent of the nursing education loans of registered nurses who agree to serve for not less than 2 years as nurse employees in certain health facilities.

The HRSA, through this notice, invites applications for participation in this loan repayment program. Approximately $1,942,000 will be available, and with these funds, the HRSA estimates that approximately 179 loan repayment awards may be made.

The PHS is committed to achieving the health promotion and disease prevention objectives of *Healthy People 2000*, a PHS-led national activity for setting health priorities. These programs will contribute to the *Healthy People 2000* objectives by improving access to primary health care services through coordinated systems of care for medically underserved populations in both rural and urban areas. Potential applicants may obtain a copy of *Healthy People 2000* (Full Report, Stock No. 017–001–00474–01) or *Healthy People 2000* (Summary Report, Stock No. 017–001–00473–01) through the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402–9325 (telephone number: 202 783–3238).

The PHS strongly encourages all grant and contract recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. In addition, Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of a facility) in which regular or routine education, library, day care, health care, or early childhood development services are provided to children. This is consistent with the

PHS mission to protect and advance the physical and mental health of the American people.

DATES: To receive consideration for funding, individuals must submit their applications by September 1, 1996. Applications shall be considered as meeting the deadline if they are either:

(1) received on or before the deadline date; or

(2) sent on or before the deadline and received in time for submission to the reviewing program official. (Applicants should request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing).

Late applications will not be considered for funding in FY 1996, but may be kept on file for consideration in FY 1997.

ADDRESSES: Application materials with a list of counties (parishes) with the greatest shortage of nurses may be obtained by calling or writing to: Sharley Chen, Chief, Loan Repayment Programs Branch, Division of Scholarships and Loan Repayments, Bureau of Primary Health Care, HRSA, 4350 East-West Highway, 10th Floor, Bethesda, MD 20814, (301–594–4400). The 24-hour toll-free phone number is 1–800–435–6464 and the FAX number is (301) 594–4981. Completed applications should be mailed to the same address. The application form has been approved under Office of Management and Budget (OMB) Number 0915–0140.

FOR FURTHER INFORMATION CONTACT: For further program information and technical assistance, please contact the Branch Chief at the above address, phone or FAX number.

SUPPLEMENTARY INFORMATION: Section 846 of the PHS Act provides that the Secretary will repay a portion of an individual's educational loans incurred for nursing education costs if that individual enters into a contract with the Secretary to serve as a registered nurse for not less than 2 years in a variety of eligible health facilities or in a health facility determined by the Secretary to have a critical shortage of nurses. For an individual who is selected to participate in this program, repayment shall be on the following basis:

(1) By the completion of the first year of agreed service, the Secretary will have paid 30 percent of the principal of, and interest on, the outstanding balance on each qualified loan as of the beginning date of service;

(2) By the completion of the second year of agreed service, the Secretary will have paid another 30 percent of the principal of, and interest on, the outstanding balance of each qualified loan as of the beginning date of service; and

(3) By the completion of a third year of agreed service, if applicable, the Secretary will have paid another 25 percent of the principal of, and interest on, the outstanding balance of each qualified loan as of the beginning date of service (option for third year of service is dependent on the availability of funds).

No more than 85 percent of the principal balance of any qualified loan which was unpaid as of the beginning date of service will be paid under this program.

Prior to entering a contract for repayment of loans, other than Nursing Student Loans, the Secretary will require that satisfactory evidence be provided of the existence and reasonableness of the educational loans.

These loan repayment amounts are unrelated to any salary paid to the nursing education loan repayment recipient by the health facility by which he or she has been employed.

To be eligible to participate in this program, an individual must:

(1) Have received, prior to the start of service, a baccalaureate or associate degree in nursing, a diploma in nursing, or a graduate degree in nursing;

(2) Have outstanding educational loans for the costs of his/her nursing education;

(3) Agree to be employed full-time for not less than 2 years in any of the following types of eligible health facilities: an Indian Health Service health center; a Native Hawaiian health center; a public hospital (operated by a State, county, or local government); a community or migrant health center [Sections 330(a) and 329(a)(1) of the PHS Act]; a Federally Qualified Health Center receiving Sections 330 or 329 funding; a rural health clinic (Section 1861 (aa)(2) of the Social Security Act); or a public or nonprofit private health facility determined by the Secretary to have a critical shortage of nurses; and

(4) Currently be employed or plan to begin employment as a registered nurse no later than July 31, 1996.

Funding Preferences

As required under Section 846, the Secretary will give preference to qualified applicants:

(1) Who have the greatest financial need; and

(2) Who agree to serve in the types of health facilities described in paragraph (3) above, that are located in geographic areas determined by the Secretary to have a shortage of and need for nurses.

Breach of Contract

Participants in this program who fail to provide health services for the period specified in their contract with the Secretary, shall be liable to the Federal Government for payments made by the Secretary during the service period pursuant to such contract, plus interest on this amount at the maximum legal prevailing rate, payable within 3 years from the date the contract with the Secretary is breached.

Waiver or Suspension of Liability

A waiver or suspension of liability may be granted by the Secretary if compliance with the contract with the Secretary by the individual participant is impossible, or would involve extreme hardship to the individual, and if enforcement of the contract with respect to the individual would be unconscionable.

Other Award Information

This program is not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs, since payments to individuals are not covered. In addition, this program is not subject to the submission of a Public Health System Impact Statement.

The OMB *Catalog of Federal Domestic Assistance* number for this program is 93.908.

Dated: June 3, 1996.

Ciro V. Sumaya,

Administrator.

[FR Doc. 96–14306 Filed 6–7–96; 8:45 am]

BILLING CODE 4160–15–P

Health Care Financing Administration

[ORD–087–N]

New and Pending Demonstration Project Proposals Submitted Pursuant to Section 1115(a) of the Social Security Act: April 1996

AGENCY: Health Care Financing Administration (HCFA).

ACTION: Notice.

SUMMARY: No new proposals for Medicaid demonstration projects were submitted to the Department of Health and Human Services during the month of April 1996 under the authority of section 1115 of the Social Security Act. This notice lists proposals that were approved or are pending during the month of April. None were disapproved or withdrawn during this time period.

(This notice can be accessed on the Internet at HTTP://WWW.HCFA.GOV/ORD/ORDHP1.HTML.)

COMMENTS: We will accept written comments on these proposals. We will, if feasible, acknowledge receipt of all comments, but we will not provide written responses to comments. We will, however, neither approve nor disapprove any new proposal for at least 30 days after the date of this notice to allow time to receive and consider comments. Direct comments as indicated below.

ADDRESSES: Mail correspondence to: Susan Anderson, Office of Research and Demonstrations, Health Care Financing Administration, Mail Stop C3–11–07, 7500 Security Boulevard, Baltimore, MD 21244–1850.

FOR FURTHER INFORMATION CONTACT: Susan Anderson, (410) 786–3996.

SUPPLEMENTARY INFORMATION:

I. Background

Under section 1115 of the Social Security Act (the Act), the Department of Health and Human Services (HHS) may consider and approve research and demonstration proposals with a broad range of policy objectives. These demonstrations can lead to improvements in achieving the purposes of the Act.

In exercising her discretionary authority, the Secretary has developed a number of policies and procedures for reviewing proposals. On September 27, 1994, we published a notice in the Federal Register (59 FR 49249) that specified (1) The principles that we ordinarily will consider when approving or disapproving demonstration projects under the authority in section 1115(a) of the Act; (2) the procedures we expect States to use in involving the public in the development of proposed demonstration projects under section 1115; and (3) the procedures we ordinarily will follow in reviewing demonstration proposals. We are committed to a thorough and expeditious review of State requests to conduct such demonstrations.

As part of our procedures, we publish a notice in the Federal Register with a monthly listing of all new submissions, pending proposals, approvals, disapprovals, and withdrawn proposals. Proposals submitted in response to a grant solicitation or other competitive process are reported as received during the month that such grant or bid is awarded, so as to prevent interference with the awards process.

II. Listing of New, Pending, Approved, and Withdrawn Proposals for the Month of April 1996

A. Comprehensive Health Reform Programs:

1. New Proposals

No new proposals were received during the month of April.

2. Pending Proposals

Pending proposals for the month of April remain the same with the exception of the Medicaid Demonstration Project for Los Angeles County, California which was approved. See below 4. Approved Proposals for further description. Pending proposals for the month of November 1995 published in the Federal Register on January 23, 1996, 61 FR 1769, remain unchanged.

3. Approved Conceptual Proposals (Awards of Waivers Pending.)

No conceptual proposals were approved during the month of April.

4. Approved Proposals

The following comprehensive health reform proposal was approved during the month of April.

Demonstration Title/State: Medicaid Demonstration Project for Los Angeles County—California.

Description: The State demonstration will stabilize the County health care system and foster a restructuring process that is responsible to the needs of the community.

Date Received: February 29, 1996.

Date Approved: April 26, 1996.

State Contact: John Rodriguez, Deputy Director, Medical Care Services, Department of Health Services, 714/744 P Street, P.O. Box 942732, Sacramento, CA 94234–7320, (916) 654–0391.

Federal Project Officer: Gina Clemons, Health Care Financing Administration, Office of Research and Demonstrations, Office of State Health Reform Demonstrations, Mail Stop C3–18–26, 7500 Security Boulevard, Baltimore, MD 21244–1850.

5. Disapproved Proposals

No proposals were disapproved during the month of April.

6. Withdrawn Proposals

No proposals were withdrawn during the month of April.

B. Other Section 1115 Demonstration Proposals

1. New Proposals

No new proposals were received during the month of April.

2. Pending, Approved, and Withdrawn Proposals

We did not approve or disapprove any Other Section 1115 Demonstration Proposals during April nor were any proposals withdrawn during that month. Pending proposals for the month of November 1995 published in the Federal Register on January 23, 1996, 61 FR 1769, and for the months of February and March 1996 published in the Federal Register on May 14, 1996, 61 FR 24318 remain unchanged.

III. Requests for Copies of a Proposal

Requests for copies of a specific Medicaid proposal should be made to the State contact listed for the specific proposal. If further help or information is needed, inquiries should be directed to HCFA at the address above.

(Catalog of Federal Domestic Assistance Program, No. 93.779; Health Financing Research, Demonstrations, and Experiments.)

Dated: May 28, 1996.

Barbara Cooper,

Acting Director, Office of Research and Demonstrations.

[FR Doc. 96–14596 Filed 6–7–96; 8:45 am]

BILLING CODE 4120–01–P

Health Resources and Services Administration

Program Announcement and Review Criteria for a Cooperative Agreement To Support Innovative Projects Relating to Public Health Education and Services

The Health Resources and Services Administration (HRSA) announces that applications will be accepted for a Cooperative Agreement for fiscal year 1996 with a professional association located in the Washington, D.C. area with an established relationship with the accredited schools of public health. Such an association should be recognized as a National representative of schools of public health; have proprietary information concerning student enrollment, graduates, faculty and curricula in schools of public health; and have access to the leadership in schools of public health. The purpose of the Cooperative Agreement is to support a program of innovative projects which would demonstrate the sharing of expertise between public health faculty and public health practitioners in States and communities, to both improve public health and health care services at the State and community level and provide meaningful feedback to schools of public health concerning the efficacy of their curricula in educating and training

the public health workforce. This Cooperative Agreement is solicited under the authority of Title III, section 301, of the Public Health Service Act, as amended. Section 301 authorizes the award of grants, contracts, and cooperative agreements to public and non-profit entities for several purposes, including the demonstration of innovative models.

Up to $750,000 may be available to fund one Cooperative Agreement in fiscal year 1996 and up to $1,000,000 for each of the succeeding four years. The Cooperative Agreement will be awarded for a project period of up to five years, funded each fiscal year depending on performance and the availability of appropriate funds.

Background

As part of its overall mission, HRSA is responsible for providing national leadership to assure that high quality health care and services are provided to the most vulnerable populations in the nation and to improve the basic and continuing education of public health professionals to assess, develop and assure that a high level of health care services are available to these populations. In carrying out this responsibility for the education of public health professionals, HRSA works collaboratively with educational institutions—especially schools of public health—and with professional organizations to develop and implement improved basic and continuing education curricula to assure competent public health practice and leadership in the United States.

At the present time there are 27 accredited schools of public health in the United States. These schools represent the primary educational system that trains personnel needed to operate the Nation's local, State and Federal public health agencies. They address issues of disease prevention and health promotion, emphasize teaching and research focused on epidemiology; biostatistics; occupational and environmental health; health services administration, including health policy development, health services delivery, etc.; and the behavioral sciences, including health education, nutrition, maternal and child health, health promotion, etc.

It has been recognized that the quality of public health personnel plays a critical role in the promotion of health, prevention and control of disease, and the management of health resources. The schools of public health's principal purpose is to promote and improve the education and training of professional public health personnel.

An area of major concern to HRSA is the lack of individuals trained and prepared to manage and/or provide services in community settings. It is these settings where a majority of HRSA funding and attention is directed, because it is at the community-level that our most vulnerable populations need care. The disconnect between public health training and community settings where these individuals are needed continues to be a significant problem in public health and for the efficient delivery of HRSA-sponsored care and services.

A second major concern is the proliferation of managed care programs and their impact on HRSA-sponsored organizations. There is a clear gap between the thrust of managed care (both its services orientation and funding policies) and the traditional provision of care and services by HRSA grantees. This gap is exacerbated by the lack of trained individuals who understand managed care and are capable of using this understanding in the HRSA grantee community.

HRSA also is concerned over the low number of faculty, students and practitioners from minority backgrounds in academic and practice settings. The Schools of Public Health can play a crucial role in alleviating these shortcomings, especially in training minority and disadvantaged public health workers. HRSA is proposing to develop a range of activities utilizing the strengths of the Schools of Public Health to alleviate the identified as well as emerging concerns. This cooperative agreement could serve as an incentive to the academic public health community to become more involved in public health practice issues and increase the number of minority professionals working in public health settings, and introduce cultural diversity training into the curriculum in schools of public health.

Purpose

There are three purposes for this cooperative agreement: (1) to provide assistance in curricula development and related initiatives that will help deal with the need for better educated and culturally sensitive entry-level and mid-level public health practitioners in public health practice settings; (2) to strengthen and institutionalize practice oriented linkages between the Schools of Public Health and the public health practice community so that individuals are better trained to meet the needs of HRSA-sponsored grantees in community settings; and (3) to develop curricula and other training mechanisms to help deal with the shortfall in individuals with an understanding of managed care who can apply this understanding to the HRSA grantee community.

The Washington, D.C. area is specified as the location of the Cooperative Agreement recipient because of the Federal interests requiring substantive involvement of Federal officials in developing the training and technical assistance program, proximity to Federal expertise, and scarce Federal resources for travel. The project would be expected to initiate such activities as:

1. Establish a Steering Committee for the development and pilot testing of activities to provide technical assistance to public health practice sites. For example, utilizing the combined technical expertise of HRSA and schools of public health to evaluate health promotion and disease prevention programs at community health centers and maternal and child health clinics within health departments.

2. Analysis of pedagogical methods to accomplish educational objectives for adult learners. For example, what curricula and distribution mechanisms could be developed to provide distance learning for nurses in county health departments or migrant health centers.

3. Improvement of outcome measures for HRSA public health programs, e.g; outcomes measures for the delivery of health services, patient health status, and patient satisfaction.

4. Establishment of linkages with public health practice organizations, e.g.; working with managed care organizations and local health departments to provide quality school health services, or coordinating a health improvement project involving foundation funding, local health departments and community-based providers.

5. Development of curricula by working with health care delivery projects funded by HRSA, e.g.; HIV/AIDS, organ transplantation, health care for the homeless, migrant health care, maternal and child health, to create an academic public health practice linkage to promote disease prevention and health promotion concepts.

6. Improvement of public health research on community populations to highlight both public health education and the efficient delivery of health services. For example, develop demonstration projects which include a population-based analysis of community preventive health care needs and the development of demonstration programs to address identified needs.

7. Development of an internship program for students in schools of public health to learn about the federal public health system. For example, developing an internship and mentoring program for masters of public health and masters of health sciences students during their academic preparation.

Federal Involvement

The Cooperative Agreement mechanism is being used for this project to allow for substantive Federal programmatic involvement in the development of the details of the Cooperative Agreement.

Substantive Federal programmatic involvement will occur through Federal membership on the Steering Committee representing the Health Resources and Services Administration, including the Bureau of Health Professions, Bureau of Health Resources Development, Bureau of Primary Health Care, Maternal and Child Health Bureau, and the Office of Public Health Practice. The involvement primarily would be in the following areas:

- participation in the identification of emerging health management practice issues for technical assistance purposes;
- identification of HRSA programmatic issues for special attention through the Cooperative Agreement;
- identification of appropriate consultation for the proposed projects;
- assistance in defining the objective, method, evaluation and use of project results and translation into the knowledge, skills, and attributes for educational objectives;
- assistance in ensuring appropriate linkages with public health practice and health care delivery sites;
- assistance in creating linkages to appropriate professional associations in the Washington, D.C. area;
- participation in the review and selection of contracts and agreements developed in implementing the project; (and)
- participation in monitoring the implementation, conduct and results of projects implemented under the Cooperative Agreement.

Eligibility for Funding

Entities eligible for funding under this Cooperative Agreement must:

1. be a recognized professional association representing schools of public health, and

2. be located in the Washington, D.C. metropolitan area.

National Health Objectives for the Year 2000

The Public Health Service (PHS) urges applicants to submit work plans that address specific objectives of *Healthy People 2000*. Potential applicants may obtain a copy of *Healthy People 2000* (Full Report; Stock No. 017–001–00474–0) or *Healthy People 2000* (Summary Report; Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402–9325 (Telephone (202) 783–3238).

Education and Service Linkage

As part of its long-range planning, HRSA will be targeting its efforts to strengthening linkages between U.S. Public Health Service education programs which provide comprehensive primary care services to the underserved.

Smoke-Free Workplace

The Public Health Service strongly encourages all grant recipients to provide a smoke-free workplace; to promote the non-use of all tobacco products; and to promote Public Law 103–227, the Pro-Children Act of 1994, which prohibits smoking in certain facilities that receive Federal funds in which education, library, day care, health care, and early childhood development services are provided to children.

Review Criteria

Applications received will be reviewed by an *ad hoc* review panel using the following criteria:

- the degree to which the proposal contains clearly stated, realistic, cross-cutting, achievable, and measurable objectives;
- the extent to which the proposal includes an integrated methodology compatible with the scope of project objectives, including collaborative relationships with relevant institutions and professional associations;
- the administrative and management capability of the applicant to carry out the Cooperative Agreement; and
- the extent to which budget justifications are complete, appropriate, and cost-effective.

Application Requests

Eligible entities interested in receiving materials regarding this program should notify HRSA. Materials will be sent only to those entities making a request. Requests for proposal instructions and other questions should be directed to: Mr. John R. Westcott, Grants Management Officer, Bureau of Health Professions, HRSA, 5600 Fishers Lane, Room 8C–26, Rockville, Maryland 20857, Telephone: (301) 443–6880.

Completed applications must be returned to the Grants Management Officer at the above address.

Questions concerning programmatic aspects of the Cooperative Agreement must be directed to:

Ronald B. Merrill, M.H.A., Chief, Public Health Branch, Division of Associated, Dental and Public Health Professions, Bureau of Health Professions, HRSA, 5600 Fishers Lane, Room 8C–09, Rockville, Maryland 20857, Telephone: (301) 443–6896

Alexander F. Ross, Sc.D., Office of Public Health Practice/HRSA, Parklawn Building, Room 14–15, 5600 Fishers Lane, Rockville, Maryland 20857, Telephone: (301) 443–4034

Paperwork Reduction Act

The standard application form PHS 6025–1, HRSA Competing Training Grant Application, have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act. The OMB clearance number is 0915–0060.

The deadline date for receipt of application is July 10, 1996. Applications will be considered to be ''on time'' is they are either:

1. *Received on or before* the established deadline date, or

2. *Sent on or before* the established deadline date and received in time for orderly processing. (Applicants should request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

Late applications not accepted for processing will be returned to the applicant. In addition, applications which exceed the page limitation and/or do not follow format instructions will not be accepted for processing and will be returned to the applicant.

This program is not subject to the provisions of Executive Order 12372, Intergovernmental Review of Federal Programs (as implemented through 45 CFR part 100). This program is also not subject to the Public Health System Reporting Requirements.

Dated: June 3, 1996.

Ciro V. Sumaya,

Administrator.

[FR Doc. 96–14588 Filed 6–7–96; 8:45 am]

BILLING CODE 4160–15–P

Public Health Service

National Toxicology Program (NTP) Board of Scientific Counselors' Meetings; Announcement of NTP Draft Technical Reports Projected for Public Review From December 1996 Through Fall 1998; Request for Public Input

To earlier inform the public and encourage interested parties to comment or obtain information on projected long-term toxicology and carcinogenesis studies prior to public peer review, the National Toxicology Program (NTP) again publishes in the Federal Register a current listing of draft Technical Reports projected for evaluation by the NTP Board of Scientific Counselors' Technical Reports Review Subcommittee during their next five meetings from December 1996 through Fall 1998. We plan to continue updating the listing with announcements in the Federal Register once or twice a year. The next meeting dates are December 11–12, 1996. Specific dates for 1997 and 1998 meetings will be established at a later time.

The attached Table 1 lists draft Technical Reports for long-term studies on chemicals within known or approximate dates of reviews and includes Chemical Abstracts Service (CAS) registry numbers, primary use, route of administration, species, exposure levels, and NTP report numbers (if assigned).

Technical Reports of short-term toxicity studies are currently reviewed by mail; however, they may be reviewed in open meetings when necessary. The attached Table 2 lists the draft Technical Reports of short-term toxicity studies tentatively projected for review by mail from April 1996 to December 1996 and also includes Chemical Abstracts Service (CAS) registry numbers, primary use, route of administration, species, exposure levels, and NTP report numbers (if assigned).

Those interested in having more information about any of the studies listed in this announcement should contact Central Data Management as early as possible by telephone or by mail at: MD E1–02, NIEHS, P.O. Box 12233, Research Triangle Park (RTP), North Carolina 27709 (919/541–3419). The program would welcome receiving toxicology and carcinogenesis data from completed, ongoing or planned studies by others as well as current production data, human exposure information, and use and use patterns.

The Executive Secretary, Dr. Larry G. Hart, P.O. Box 12233, Research Triangle Park, North Carolina 27709, telephone 919/541–3971, FAX 919/541–0295 will furnish final agendas and other program information prior to a meeting, and summary minutes subsequent to a meeting.

Attachments

Dated: May 21, 1996.

Kenneth Olden,

Director, National Toxicology Program.

TABLE 1.—SUMMARY DATA FOR TECHNICAL REPORTS SCHEDULED FOR REVIEW AT THE MEETING OF THE NTP BOARD OF SCIENTIFIC COUNSELORS' TECHNICAL REPORTS REVIEW SUBCOMMITTEE FROM DECEMBER 1996 THROUGH 1998

Chemical name/cas No.	Use	Route	Species	Exposure levels
Chemicals Tentatively Scheduled for Peer Review December 11–12, 1996:				
3′-Azido-3′ -Deoxythymidine (AIDS):				
30516–87–1	PHAR	GAV	RM	Mice only: 0, 30, 60, or 120 mg/kg; 50/sex.
Chloroprene:				
126–99–8	PLAS	INHAL	RM	R&M: 0, 12.8, 32.0, or 80.0 ppm; 50/sex/species/group.
Cobalt Sulfate Heptaphydrate:				
10026–24–1	PNT	INHAL	RM	R&M: 0, 0.3, 1.0, or 3.0 mg/m^3; 50/sex/species/group.
Ethylbenzene:				
100–41–4	RUBR	INHAL	RM	R&M: 0, 75, 250, or 750 ppm (50/sex/species/group).
Interferon AD + 3′-Azido-3′ -Deoxythymidine:				
(AIDS)	PHAR	SC&GV	MM	Dual routes with both compounds: AZT: 0, 30, 60, or 120 (gav) mg/kg; IFN: 500 or 5000 units 3X/week.
Isobutyraldehyde:				
78–84–2	INTR	INHAL	RM	R&M: 0, 500, 1000, or 2000 ppm (50/sex/species/group).
Oxazepam:				
604–75–1	PHAR	FEED	R	0, 625, 1250, 2500, 5000, or 10,000 ppm; 50/sex/group.
Polyvinyl alcohol:				
9002–89–5	PHAR	IVAG	M	25% PVA, vehicle, untreated; 100/group.
Primaclone (Primidone):				
125–33–7	PHAR	FEED	RM	M: 0, 0.03, 0.06, or 0.13% R: 0, 0.06, 0.13, or 0.25% (50/sex/species).
Tetrahydrofuran:				
109–99–9	SOLV	INHAL	RM	R&M: 0, 200, 600, or 1800 ppm (50/sex/species/group).
Theophylline:				
58–55–9	PHAR	GAV	RM	R: 7.5, 25, or 75 mg/kg; 50/group fm: 7.5, 25, or 75 mg/kg; 50/group mm: 15, 50, or 150 mg/kg; 50/group.
Chemicals Tentatively Scheduled for Peer Review in Summer 1997:				
1-Chloro-2-Propanol, Technical:				
127–00–4	INTR	WATER	RM	R: 0, 150, 325, or 650 ppm M: 0, 250, 500, or 1000 ppm (50/sex/group).

TABLE 1.—SUMMARY DATA FOR TECHNICAL REPORTS SCHEDULED FOR REVIEW AT THE MEETING OF THE NTP BOARD OF SCIENTIFIC COUNSELORS' TECHNICAL REPORTS REVIEW SUBCOMMITTEE FROM DECEMBER 1996 THROUGH 1998—Continued

Chemical name/cas No.	Use	Route	Species	Exposure levels
Coconut Oil Acid Diethanolamine Condensate: 68603–42–9	TEXL	SP	RM	R: 0, 50, or 100 mg/kg M: 0, 100, or 200 mg/kg (50 sex/species/group).
Diethanolamine: 111–42–2	TEXL	SP	RM	MR: 0, 16, 32, or 64 mg/kg; FR: 0, 8, 16, or 32 mg/kg; Mice: 0, 40, 80, or 160 mg/kg (50/sex/species/group).
Furfuryl alcohol: 98–00–0	FOOD	INHAL	RM	R&M: 0, 2, 8, or 32 ppm (50/sex/species/group).
Lauric Acid Diethanolamine Condensate: 120–40–1	DTRG	SP	RM	R: 0, 50, or 100 mg/kg M: 0, 100, or 200 mg/kg (50/sex/species/group).
Oleic Acid Diethanolamine Condensate: 93–83–4	COSM	SP	RM	R: 0, 50, or 100 mg/kg; 50/sex/group M: 0, 15, or 30 mg/kg; 55/sex/group.
Pyridine: 110–86–1	SOLV	WATER	RMR	R: 0, 100, 200, or 400 ppm MM: 0, 250, 500, or 1000 ppm FM: 125, 250, or 500 ppm MWR: 0, 100, 200, or 400 ppm (50/sex/group).
Chemicals Tentatively Scheduled for Peer Review Fall 1997:				
Ethylene Glycol Monobutyl Ether (EGMBE): 111–76–2	SOLV	INHAL	RM	R: 0, 31, 62.5, or 125 ppm M: 0, 62.5, 125, or 250 ppm; 50/sex/species.
Isobutene: 115–11–7	RUBR	INHAL	RM	R&M: 0, 500, 2000, or 8000 ppm (50/sex/species/group).
Isoprene: 78–79–5	RUBR	INHAL	R	R: 0, 220, 700, or 7000 ppm; 50/sex/group.
Pentachlorophenol, purified: 87–86–5	PEST	FEED	R	R: 0, 200, 400, or 600 ppm; 50/sex/group—1000 ppm stop study (60/sex).
Chemicals Tenatively Scheduled for Peer Review Summer 1998:				
Gallium Arsenide: 1303–00–0	ELEC	INHAL	RM	R: 0, 0.01, 0.1, or 1.0 mg/m^3; 50/sex/group M: 0, 0.1, 0.5, or 1.0 mg/m^3; 50/sex/group.
Methyleugenol: 93–15–2	FOOD	GAV	RM	R&M: 0, 37, 75, or 150 mg/kg (50/sex/species/group).
Oxymetholone: 434–07–1	PHAR	GAV	RM	MR: 0, 3, 30, or 150 mg/kg; FR: 0, 3, 30, or 100 mg/kg.
Chemicals Tentatively Scheduled for Peer Review Fall 1998:				
Indium Phosphide: 22398–80–7	ELEC	INHAL	RM	R&M: 0, 0.03, 0.1, or 0.3 mg/m^3.

TABLE 2.—SHORT-TERM TOXICITY STUDIES SCHEDULED FOR REVIEW BY THE NTP BOARD OF SCIENTIFIC COUNSELORS' TECHNICAL REPORTS REVIEW SUBCOMMITTEE FROM APRIL 1996 THROUGH 1998

Chemical name/CAS No.	Use	Route	Species	Exposure levels
Short-Term Toxicity Studies Tentatively Scheduled for Peer Review April 1996:				
Magnetic Fields (EMF): Electromag	ELEC	WB	RM	60 hz magnetic fields—20 mg, 58 2g, 10 g continuous and 10 g intermittent; 10/group.
Methacrylonitrile: 126–98–7	PLAS	GAV	RM	R: 0, 7.5, 15.0, 30.0, 60.0, 120.0 47 mg/kg/day; M: 0, 0.75, 1.5, 3.0, 6.0, 12.0 mg/kg/day; Rats: 20/grp; mice: 10/grp.
Methapyrilene Hydrochloride: 135–23–9	PHAR	FEED	R	Male Rats: 0, 50, 100, 250, 46 1000 ppm; 40/grp.

TABLE 2.—SHORT-TERM TOXICITY STUDIES SCHEDULED FOR REVIEW BY THE NTP BOARD OF SCIENTIFIC COUNSELORS' TECHNICAL REPORTS REVIEW SUBCOMMITTEE FROM APRIL 1996 THROUGH 1998—Continued

Chemical name/CAS No.	Use	Route	Species	Exposure levels
Short-Term Toxicity Studies Tentatively Scheduled for Peer Review May 1996:				
M-Chloroaniline:				
108–42–9	INTR	GAV	RM	R&M 0, 10, 20, 40, 80, 160 43 mg/kg, 20/grp (rats); 10/grp (mice).
O-Chloroaniline:				
95–51–2	DYE	GAV	RM	R&M 0, 10, 20, 40, 80, & 160 43 mg/kg, 20/grp (rats); 10/grp (mice).
Short-Term Toxicity Studies Tentatively Scheduled for Peer Review June 1996:				
AZT+Methadone HCL (AIDS):				
Aztmethcomb	PHAR	GAV	MM	AZT: 200, 400, or 800 mg/kg/day with Methadone HCL: 5, 15, or 30 mg/kg/day.
2′, 3′-Dideoxycytidine (AIDS initiative):				
7481–89–2	PHAR	GAV	MM	Female mice only: 500, 1000 mg/kg/day.
3, 3′, 4, 4′-Tetrachloroazobenzene:				
14047–09–7	HERB	GAV	RM	R&M: 0, 0.1, 1.0, 3.0, 10, or 30 mg/kg body weight (M&F; 10/group).
1, 1, 2, 2-Tetrachloroethane	SOLV	GAV	RM	
1, 1, 2, 2-Tetrachloroethane:				
79–34–5	SOLV	MICRO	RM	R&M; R:untreated control, vehicle control, 18, 37, 75, 150, or 300 mg/kg body wt/day; M: untreated control, vehicle control, 88, 175, 350, 700, or 1400 mg/kg body wt/day; 10/group/sex.
Short-Term Toxicity Studies Tentatively Scheduled for Peer Review August 1996:				
1, 1, 1-Trichloroethane:				
71–55–6	SOLV	MICRO	RM	R&M: 0, 0.5, 1.0, 2.0, 4.0, 41 and, 8.0% (10/S/S).
Short-Term Toxicity Studies Tentatively Scheduled for Peer Review December 1996:				
CIS & TRANS 1,2-Dichloroethylene:				
540–59–0	SOLV	MICRO	RM	55.
CIS-1, 2-Dichloroethylene:				
156–59–2	SOLV	MICRO	RM	55.
TRANS-1, 2-Dichloroethylene:				
156–60–5	SOLV	MICRO	RM	55.
TRANS-1, 2-Dichloroethylene:				
156–60–5	SOLV	GAV	RM	55.
TRANS-1, 2-Dichloroethylene:				
156–60–5	SOLV	MICRO	RM	R&M: untreated control, vehicle control, 3125, 6250, 12,500, 25,000, or 50,000 ppm; 10/group/sex.

Abbreviations used: in this report:

Use	Primary use category
COMT	Contaminates and/or Impurities.
COSM	Cosmetics, Perfumes, Fragrances, Hair Preparations.
DTRG	Detergents and Cleaners.
DYE	As or in Dyes, Inks, and Pigments.
ELEC	In Electrical and/or Dielectric Systems.
FOOD	Food, Beverages, or Additives.
HERB	Herbicide(s).
INTR	Chemical Intermediate or Catalyst.
PEST	Pesticides, General or Unclassified.
PHAR	Pharmaceuticals or Intermediates.
PLAS	As or in Plastics.
PNT	Paint Ingredient.
RUBR	Rubber Chemical.
SOLV	Vehicles and Solvents.
TEXL	In Manufacture of Textiles.

Route	Route of administration
FEED	Dosed-Feed.
GAV	Gavage.
INHAL	Inhalation.
IP/IJ	Intraperitoneal Injection.
IVAG	Intravaginal.
MICRO	Microencapsulation in Feed.
SC&GV	Subcutaneous Inj.+Gavage.
SP	Topical.
WATER	Dosed-Water.
WB	Whole Body Exposure.

Spec		Species
R	=	Rats.
M	=	Mice.

[FR Doc. 96–14149 Filed 6–7–96; 8:45 am]

BILLING CODE 4140–01–M

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a list of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (301) 443–0525.

FY 1997/1998 Substance Abuse Prevention and Treatment Block Grant Application Format—Revision of a currently approved collection—The Public Health Service Act (42 U.S.C. 300x 1–9) authorizes block grants to States for the purpose of providing prevention and treatment services.

Under the provisions of the law, States may receive allotments only after an application is approved by the Secretary, DHHS. The uniform application format provides States with the forms and instructions for their applications so they can comply with the requirements of the law and regulations implementing the law. The annual burden estimate is shown below:

No. of respondents	No. of responses per respondent	Avg. burden per response	Total annual burden
60	1	561.5 hours.	33,690 hours.

Written comments and recommendations concerning the proposed information collection should be sent within 30 days of this notice to: Virginia Huth, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10236, Washington, DC 20503.

Dated: May 31, 1996.

Patricia S. Bransford,

Acting Executive Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. 96–14573 Filed 6–7–96; 8:45 am]

BILLING CODE 4162–20–P

Food and Drug Administration

Import and Private Laboratory Communities: Public Meetings

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public meetings.

SUMMARY: The Food and Drug Administration's (FDA's) Office of Regulatory Affairs (ORA) is announcing a series of Grassroots Meetings to be held with the import and private laboratory communities. These meetings will follow a prescribed format similar to what was used recently in the Grassroots Regulatory Partnership Meetings held as part of the National Performance Review and will be conducted by key agency officials including ORA's Division of Field Science, the Division of Import Operations and Policy, and other representatives from the field and headquarters.

The purpose of the meetings is to establish a dialogue with the import, domestic, and private laboratory communities, trade associations, and other interested persons. The intent of the dialogue is to explore ways the agency might improve current policy and procedures related to the use of private laboratories to establish product compliance with FDA regulations. After the meetings a report will be prepared outlining a strategy for making positive changes in policy and/or procedures related to the agency's use of analytical data from private laboratories.

DATES: The public meetings are scheduled as follows:

1. Tuesday, June 25, 1996, 9 a.m. to 4:30 p.m., Brooklyn, NY.
2. Friday, June 28, 1996, 9 a.m. to 4:30 p.m., Orlando, FL.
3. Tuesday, July 9, 1996, 9 a.m. to 4:30 p.m., Houston, TX.
4. Thursday, July 11, 1996, 9 a.m. to 4:30 p.m., Oakland, CA.

ADDRESSES: The public meetings will be held at the following locations:

1. Brooklyn—Fort Hamilton Community Club, 101st St. and Fort Hamilton Pkwy., Bldg. 207, Brooklyn, NY.
2. Orlando—Sheraton Plaza Hotel, 1500 Sand Lake Rd., Orlando, FL.
3. Houston—Houston Plaza Hilton, 6633 Travis St., Houston, TX.
4. Oakland—Oakland Federal Bldg., Edward Royball Auditorium, 1301 Clay St., Oakland, CA.

FOR FURTHER INFORMATION CONTACT:

Regarding attendance at the Brooklyn, NY public meeting: George Walden, Small Business Representative Northeast Region, 850 Third Ave., Brooklyn, NY 11232, 718–965–5300, ext. 5528 or FAX 718–965–5759.

Regarding attendance at the Orlando, FL public meeting: Barbara Ward-Groves, Small Business Representative Southeast Region, 60 Eighth St. NE., Atlanta, GA 30309, 404–347–4001, ext. 5256 or FAX 404–347–4349.

Regarding attendance at the Houston, TX public meeting: Marie T. Falcone, Small Business Representative Southwest Region, 7920 Elmbrook Dr., suite 102, Dallas, TX 75247–4982, 214–655–8100, ext. 128 or FAX 214–655–8130.

Regarding attendance at the Oakland, CA public meeting: Mark S. Roh, Small Business Representative Pacific Region, Oakland Federal Bldg., 1301 Clay St., suite 1180–N, Oakland, CA 94612–5217, 510–637–3980 or FAX 510–637–3977.

In addition to this public notice of the meetings, invitations will be sent directly to interested persons representing private laboratories, importers, brokers, independent samplers, scientific and trade associations, accreditation bodies, and domestic users of private laboratories.

Interested persons who have not received an invitation to attend one of these meetings by June 7, 1996, may contact the Small Business Representatives specified above for registration forms.

Persons who are unable to attend, or who cannot be accommodated due to space limitations are invited to provide written comments. Written comments may be submitted to Liza Lehman, Division of Field Science (HFC–140), 5600 Fishers Lane, rm. 12–41, Rockville, MD 20857. Issues submitted in writing will be included for discussion at the meetings and will appear in the final report.

Questions related to these meetings should be directed to Richard A. Baldwin or Liza Lehman (address above) or by calling 301–443–7103 between 8 a.m. and 4:30 p.m.

SUPPLEMENTARY INFORMATION: The following background information is provided for meeting participants. The term ''private laboratory'' refers to those private sector laboratories that conduct analysis on freely marketed, FDA regulated products whose analytical data is submitted to the agency in order to demonstrate a product's compliance with laws and regulations administered by FDA.

Meeting Objectives

(1) To establish a dialogue with the import, domestic, and private laboratory communities; trade associations; and other interested persons on ways the agency might improve current policy and procedures related to the use of private laboratories to establish product compliance with FDA laws and regulations.

(2) To obtain information and views from interested persons on ways the agency might enhance its use of private laboratories to facilitate getting products that comply with applicable laws and regulations to the consumer while removing non-compliant products from the marketplace.

The following workshops will be offered at each meeting:

Workshop I

Workshop I will focus on the following issues:

(1) What practices, procedures, or policies should be changed so that private sector testing expedites the removal of products that do not comply with FDA laws and regulations and the distribution of products that are fully compliant?

(2) What is FDA's experience with how the current process works?

(3) What needs to be changed about the current process?

(4) Why and how?

(5) To what extent are training and education involved?

(6) What are the training needs of private laboratories?

(7) How can FDA, industry, and private laboratories work together to meet these training needs?

Background for Workshop I

FDA has long recognized the role of private laboratories in evaluating the quality and safety of FDA regulated commodities produced both domestically and abroad. Certificates of analysis (or analytical data) issued (or generated) by private laboratories are sometimes used by FDA to assist it in making regulatory decisions. This most often occurs when Certificates of Analysis are received for products offered for import to this country that have been detained without FDA examination due to previous violations or when FDA is concerned about a potential public health problem. FDA may also make compliance decisions with the help of private laboratory results for domestic products that have undergone reconditioning under the terms of a consent decree of condemnation, or to comply with the terms of a consent decree of permanent injunction, so that the firm may lawfully resume operations.

FDA needs to ensure that private laboratories submitting analytical results are capable of performing the analyses and that the results submitted were obtained using reliable and appropriate methods. The current guidance for the review of private laboratory results submitted in support of regulated products is outlined in chapter 21 of the Laboratory Procedures Manual (LPM). The stated purpose of this guidance is to establish a uniform, systematic, and effective approach to ensure that private laboratories conducting analyses on FDA regulated products submit appropriate and reliable data to the agency. Based on LPM chapter 21, the existing mechanism for FDA's acceptance of private laboratory data involves the review of analytical data for scientific validity along with the evaluation of a laboratory's capabilities through assessment visits and audit sampling.

In recent meetings with the private laboratory community, an issue has been raised concerning the lack of uniformity among the FDA District Offices (the Districts) in evaluating private laboratory submissions. FDA is committed to attaining a uniform application of policy and program guidelines among all Districts in the handling of private laboratory submissions. Possible solutions FDA may consider implementing to improve uniformity include: (1) The establishment of a national data base on private laboratories to be used as a mechanism for sharing information among the Districts (see Attachment); (2) providing better coordination of assessment and review efforts through training and strengthening the guidance provided to the Districts; and (3) identifying other ways to foster communications among interested parties involved in private laboratory issues.

Another topic of discussion concerned the training needs of private laboratories. FDA is often asked to answer questions related to sample collection, analytical methodology, and the documentation needed to demonstrate product compliance with FDA laws and regulations. As a result of these inquiries, training seminars have been conducted for private laboratories (and importers) on a variety of topics. Some of these seminars have included training on the use of sample collection and analysis techniques employed by FDA.

FDA would like to better identify the training needs of private laboratories. We would also like to explore mechanisms for effectively providing any necessary training to private laboratories.

Workshop II

Workshop II will focus on the following issues:

(1) How should FDA ensure the competency and proficiency of private laboratories?

(2) What should be FDA's guiding principles in ensuring the competency and proficiency of private laboratories?

(3) What criteria should FDA use to assess integrity and quality of private sector sampling and analysis data?

(4) Under what circumstances should FDA base public health protection decisions on private sector sampling and analysis of regulated products?

(5) What are the barriers or hurdles to what FDA proposes?

(6) How do private laboratories demonstrate their competency to their customers?

(7) Is this mechanism appropriate for FDA to use?

Background for Workshop II

There are several mechanisms the agency could use to ensure the proficiency and integrity of private sector sampling and analysis of regulated products. They include options such as maintaining the current program, adjusting the current program to focus on assuring a more consistent agency approach, adding components to the current program such as an independent sampling and direct reporting requirement, seeking regulatory authority to inspect and impose Good Laboratory Practices regulations on private laboratories, and formally accrediting or recognizing third party accreditations of private laboratories.

FDA currently has serious concerns about the effectiveness of our current program. We presently are unable to ensure the integrity of the sample collection process because we do not require that all samples be collected independently or by qualified sample collection agents. When the sample is collected improperly, or is not truly representative of the lot to be tested, then even the most reliable and effective analytical testing procedures will be invalid. An additional concern regarding our current procedures is that the analytical results obtained by a private laboratory are not required to be submitted directly to the agency for review. Because FDA does not require that an initial or subsequent violative result be submitted directly from the private laboratory, a violative product can be retested until results are obtained that will remove the appearance of a violation. The validity of this laboratory result is, of course, questionable based on previous results, but FDA does not have the information concerning earlier testing on which to base the appropriate consumer protection decision. FDA is considering incorporating these two concepts of mandatory independent sampling, and direct reporting of analytical results by private laboratories to FDA into our current program.

Workshop III

Workshop III will focus on the following issues:

(1) How can FDA best enhance its use of private laboratories to test regulated products?

(2) What is meeting participants' comfort level with shared consumer protection authority and liability?

(3) What are FDA and private sector common interests and how can we capitalize on them?

(4) What are our mutual responsibilities and to whom?

(5) On what basis can FDA and the private sector collaborate?

Background for Workshop

FDA would like to enhance its use of the private sector in monitoring imported foods and possibly other regulated products as well. Several initiatives along this line have already been implemented. For example, the

New York District recently completed a pilot program in which importers of seafood products were allowed to choose between having their products sampled and tested by FDA or by a private laboratory at their own expense. A similar pilot program was conducted in Boston District. The New York and Boston pilot programs are currently being evaluated to see if further pilot studies can be developed to make better use of non-FDA laboratories for monitoring imported products.

Our intention is to improve our current policy and program regarding the use of data from private laboratories. The existing mechanism for the assessment of private laboratories and review of analytical packages may be adequate for our current needs as we move to enhance our use of the private sector for analytical testing, however, we will likely find the need for a more streamlined and effective approach to assessing the competency of a private laboratory and the validity of its test results.

Enhancing FDA's use of private laboratories may also be dependent on the private sector's ability to comply with international standards. As a result, another potential issue for discussion includes the standards for analytical laboratories being developed by the joint Food and Agriculture Organization of the United Nations and World Health Organization's Codex Alimentarius Commission. At the 20th Session of the Codex Committee on Methods of Analysis and Sampling (the Committee), the Committee agreed that certain criteria for quality assurance be adopted by laboratories involved in the official import and export control of foods. The Committee recommendations include compliance with the general criteria for testing laboratories laid down in ISO/IEC Guide 25:1990, ''General Requirements for the Competence of Calibration and Testing Laboratories,'' participation in appropriate proficiency testing schemes, the use validated analytical methods, and the application of internal quality control procedures. These criteria have been referred to the Codex Committee on Food Import and Export Inspection and Certification Systems for consideration and review to be used for the development of objective criteria for assessing the competency of laboratories involved in the testing of foods at the international level. FDA is committed to using international standards whenever appropriate, and to working with international standards organizations like Codex to develop and adopt international standards that provide adequate health protection.

Because of the agency's commitment to international harmonization efforts, the fact that the Committee has made these recommendations is significant to FDA. Successful application of these criteria may be viewed as providing a sound basis for judging the level of quality of both public and private laboratories. Discussion of how (and if) FDA should implement these criteria in evaluating the competency of private laboratories may be included during this workshop.

Attachment—Proposal for the Development of a National Data base on Private Laboratories

An internal FDA-wide private laboratory inventory will be established. This data base is envisioned as being a repository of basic information on private laboratories that routinely submit analytical packages to the agency. The data base will be simple in design serving mainly to foster communication between the Districts.

The following guidance will be issued related to the use of the private laboratory inventory (PLI):

This data base contains information on certain private laboratories that submit analytical results for review to the agency. Private laboratories that do not routinely submit analytical packages to the agency do not appear on this list, since creating a directory of all private laboratories capable of analyzing regulated products, including those laboratories that are associated with regulated industry, or laboratories that have not submitted analytical data for agency review, is not our intention.

The information provided in the PLI is to be used only as a tool to help District personnel make appropriate individual product compliance decisions. The information is not intended to be used as a final evaluation of the acceptability of results for the noted types of analyses from a given private laboratory. As always, Districts should make individual product compliance decisions based on all information available regarding whether or not private laboratory analyses are sufficient to demonstrate product compliance.

This data base may not be treated as an all inclusive listing of private laboratories that are capable of submitting high quality data or analytical results on regulated products to the agency.

The following information will be included in the data base:

Private Laboratory Data
Private Laboratory Name
Private Laboratory Contact/Phone
Complete Mailing Address
Home District Contact/Phone

Submission Data
Type(s) of analytical packages submitted (Chemistry, Micro, Filth, etc)
Date and type of analytical package submission (Date, product, analysis type)
Analysis results
Audit sample results
Narrative describing the audit sample results
Analytical package review (*A*ccepted, accepted with *C*omment, *U*nacceptable)
Analytical package review comments

Private Laboratory Assessment Data
Status of initial assessment records on file per analysis type (complete, in process)
Date of most recent on-site assessment visit per analysis type (month/year)
Narrative results of assessment visit(s) per analysis type.

Dated: May 30, 1996.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 96–14586 Filed 6–7–96; 8:45 am]

BILLING CODE 4160–01–F

Health Care Financing Administration

[MB–098–CN]

RIN 0938–AH30

Medicaid Program; Limitations on Aggregate Payments to Disproportionate Share Hospitals: Federal Fiscal Year 1996; Correction

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Correction notice.

SUMMARY: In the May 9, 1996 issue of the Federal Register (61 FR 21195), we announced the preliminary Federal fiscal year (FFY) 1996 national target and individual State allotments for Medicaid payment adjustments made to hospitals that serve a disproportionate number of Medicaid recipients and low-income patients with special needs. In that notice, we inadvertently omitted the chart that contained the listing of the individual State allotments and the regulation identification number (RIN) in the heading of the notice. In addition, only a portion of the Catalog of Federal Domestic Assistance identification at the end of the document prior to the signatures was included. For the benefit of the readers, we are reprinting the entire notice. The corrected notice reads as follows:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[MB–098–N]

RIN 0938–AH30

Medicaid Program; Limitations on Aggregate Payments to Disproportionate Share Hospitals: Federal Fiscal Year 1996

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice.

SUMMARY: This notice announces the preliminary Federal fiscal year (FFY) 1996 national target and individual

State allotments for Medicaid payment adjustments made to hospitals that serve a disproportionate number of Medicaid recipients and low-income patients with special needs. We are publishing this notice in accordance with the provisions of section 1923(f)(1)(C) of the Social Security Act and implementing regulations at 42 CFR 447.297 through 447.299. The preliminary FFY 1996 State disproportionate share hospital (DSH) allotments published in this notice will be superseded by final FFY 1996 DSH allotments to be published in the Federal Register subsequent to the publication of this notice.

EFFECTIVE DATE: The preliminary DSH payment adjustment expenditure limits included in this notice apply to Medicaid DSH payment adjustments that are applicable to FFY 1996.

FOR FURTHER INFORMATION CONTACT: Richard Strauss, (410) 786–2019

SUPPLEMENTARY INFORMATION:

I. Background

Section 1902(a)(13)(A) of the Social Security Act (the Act) requires States to ensure that their Medicaid payment rates include payment adjustments for Medicaid-participating hospitals that serve a large number of Medicaid recipients and other low-income individuals with special needs (referred to as disproportionate share hospitals (DSHs)). The payment adjustments are calculated on the basis of formulas specified in section 1923 of the Act.

Section 1923(f) of the Act and implementing Medicaid regulations at 42 CFR 447.297 through 447.299 require us to estimate and publish in the Federal Register the national target and each State's allotment for DSH payments for each Federal fiscal year (FFY). The implementing regulations provide that the national aggregate DSH limit for a FFY specified in the Act is a target rather than an absolute cap when determining the amount that can be allocated for DSH payments. The national DSH target is 12 percent of the total amount of medical assistance expenditures (excluding total administrative costs) that are projected to be made under approved Medicaid State plans during the FFY. (Note: Whenever the phrases ''total medical assistance expenditures'' or ''total administrative costs'' are used in this notice, they mean both the State and Federal share of expenditures or costs.)

In addition to the national DSH target, there is a specific State DSH limit for each State for each FFY. The State DSH limit is a specified amount of DSH payment adjustments applicable to a FFY above which FFP will not be available. This is called the ''State DSH allotment''.

Each State's DSH allotment for FFY 1996 is calculated by first determining whether the State is a ''high-DSH State,'' or a ''low-DSH State.'' This is determined by using the State's ''base allotment.'' A State's base allotment is the greater of the following amounts: (1) the total amount of the State's actual and projected DSH payment adjustments made under the State's approved State plan applicable to FFY 1992, as adjusted by HCFA; or (2) $1,000,000.

A State whose base allotment exceeds 12 percent of the State's total medical assistance expenditures (excluding administrative costs) projected to be made in FFY 1996 is referred to as a ''high-DSH State.'' The FFY 1996 State DSH allotment for a high-DSH State is limited to the State's base allotment.

A State whose base allotment is equal to or less than 12 percent of the State's total medical assistance expenditures (excluding administrative costs) projected to be made in FFY 1996 is referred to as a ''low-DSH State.'' The FFY 1996 State DSH allotment for a low-DSH State is equal to the State's DSH allotment for FFY 1995 increased by growth amounts and supplemental amounts, if any. However, the FFY 1996 DSH allotment for a low-DSH State cannot exceed 12 percent of the State's total medical assistance expenditures for FFY 1996 (excluding administrative costs).

A State that is classified as a high-DSH State for one year, because its base allotment exceeds 12 percent of its total medical assistance expenditures for that year, may not continue to meet the high-DSH State definition in other years. That is, if the State's base allotment for another year is equal to or less than 12 percent of its total medical assistance for that year, the State would be classified as a low-DSH State for that year. As a low-DSH State, the State could potentially receive growth for that year.

The growth amount for FFY 1996 is equal to the projected percentage increase (the growth factor) in a low-DSH State's total Medicaid program expenditures between FFY 1995 and FFY 1996 multiplied by the State's final DSH allotment for FFY 1995. Because the national DSH limit is considered a target, low-DSH States whose programs grow from one year to the next can receive a growth amount that would not be permitted if the national limit was viewed as an absolute cap.

There is no growth factor and no growth amount for any low-DSH State whose Medicaid program does not grow (that is, stayed the same or declined) between FFY 1995 and FFY 1996. Furthermore, because a low-DSH State's FFY 1996 DSH allotment cannot exceed 12 percent of the State's total medical assistance expenditures, it is possible for its FFY 1996 DSH allotment to be lower than its FFY 1995 DSH allotment. For example, this occurs when the State experiences a decrease in its program expenditures between FFY 1995 and FFY 1996 and its 1995 FFY DSH allotment is greater than 12 percent of the total projected medical assistance expenditures for the current FFY. This is the case for the State of Rhode Island for FFY 1996.

There is no supplemental amount available for redistribution for FFY 1996. The supplemental amount, if any, is equal to a low-DSH State's proportional share of a pool of funds (the redistribution pool). The redistribution pool is equal to the national 12-percent DSH target reduced by the total of the base allotments for high-DSH States, the total of the State DSH allotments for the previous FFY for low-DSH States, and the total of the low-DSH State growth amounts. Since the sum of these amounts is above the projected FFY 1996 national 12-percent DSH target, there is no redistribution pool and, therefore, no supplemental amounts for FFY 1996.

As prescribed in the law and regulations, no State's DSH allotment will be below a minimum of $1,000,000.

As an exception to the above requirements, under section 1923(f)(1)(A)(I)(II) of the Act and regulations at 42 CFR 447.296(b)(5) and 447.298(f), a State may make DSH payments for a FFY in accordance with the minimum payment adjustments required by Medicare methodology described in section 1923(c)(1) of the Act. The State of Nebraska's preliminary State DSH allotment has been determined in accordance with this exception.

We are publishing in this notice the preliminary FFY 1996 national DSH target and State DSH allotments based on the best available data we received from the States' August 1995 submissions of the Medicaid budget report (Form HCFA–37), as adjusted by HCFA. We intend to publish the final FFY 1996 DSH allotments in the Federal Register subsequent to the publication of this notice.

The final allotments are calculated using actual Medicaid expenditures for FFY 1995 as reported to HCFA on States' quarterly expenditure reports (Form HCFA–64) for FFY 1995 and estimates of Medicaid expenditures for FFY 1996 as reported to HCFA on

States' Form HCFA–37 February 1996 submissions.

II. Calculations of the Preliminary FFY 1996 DSH Limits

The total of the preliminary State DSH allotments for FFY 1996 is equal to the sum of the base allotments for all high-DSH States, the FFY 1995 State DSH allotments for all low-DSH States, and the growth amounts for all low-DSH States. A State-by-State breakdown is presented in section III of this notice.

We classified States as high-DSH or low-DSH States. If a State's base allotment exceeded 12 percent of its total unadjusted medical assistance expenditures (excluding administrative costs) projected to be made under the State's approved plan under title XIX of the Act in FFY 1996, we classified that State as a ''high-DSH'' State. If a State's base allotment was 12 percent or less of its total unadjusted medical assistance expenditures projected to be made under the State's approved plan under title XIX of the Act in FFY 1996, we classified that State as a ''low-DSH'' State. Based on this classification, there are 36 low-DSH States and 14 high-DSH States for FFY 1996.

Using the most recent data from the States' August 1995 budget projections (Form HCFA–37), we estimate the States' FFY 1996 national total medical assistance expenditures to be $160,184,881,000. Thus, the overall preliminary national FFY 1996 DSH expenditure target is $19,222,186,000 (12 percent of $160,184,881,000).

In the preliminary FFY 1996 State DSH allotments, we provide a total of $519,764,000 ($310,963,000 Federal share) in growth amounts for the 36 low-DSH States. The growth factor percentage for each of the low-DSH States was determined by calculating the Medicaid program growth percentage for each low-DSH State between FFY 1995 and FFY 1996. To compute this percentage, we first ascertained each low-DSH State's total FFY 1995 medical assistance and administrative expenditures as reported on the State's August 15, 1995, submission of the Medicaid Budget Report (Form HCFA–37) through the ''cutoff'' date of September 8, 1995. The cutoff date is the date through which the August 1995 Medicaid budget report submission estimates are accepted and applied in preparing the States' Medicaid grant award for the upcoming quarter (October through December 1995). Next, we compared those estimates to each low-DSH State's total estimated unadjusted FFY 1996 medical assistance and administrative expenditures as reported to HCFA on the States' August 1995 Form HCFA–37 submission.

The growth factor percentage was multiplied by the low-DSH States' final FFY 1995 DSH allotment amount to establish the States' preliminary growth amount for FFY 1996.

Since the sum of the total of the base allotments for high-DSH States, the total of the State DSH allotments for the previous FFY for low-DSH States, and the growth for low-DSH States ($19,602,716,000) is greater than the preliminary FFY 1996 national target ($19,222,186,000), there is no preliminary FFY 1996 redistribution pool.

The low-DSH States' growth amount was then added to the low-DSH States' final FFY 1995 DSH allotment amount to establish the preliminary total low-DSH State DSH allotment for FFY 1996. If a State's growth amount, when added to its final FFY 1995 DSH allotment amount, exceeds 12 percent of its FFY 1996 estimated medical assistance expenditures, the State only receives a partial growth amount that, when added to its final FFY 1995 allotment, limits its total State DSH allotment for FFY 1996 to 12 percent of its estimated FFY 1996 medical assistance expenditures. For this reason, six of the low-DSH States received partial growth amounts.

As explained above, Rhode Island's preliminary FFY 1996 DSH allotment is lower than its final FFY 1995 DSH allotment. Also, in accordance with the minimum payment adjustments required by Medicare methodology, Nebraska's FFY 1996 State DSH allotment is $11,000,000.

In summary, the total of all preliminary State DSH allotments for FFY 1996 is $19,602,716,000 ($11,137,851,000 Federal share). This total is composed of the prior FFY's final State DSH allotments ($19,084,239,000) plus growth amounts for all low-DSH States ($519,764,000), minus the amount of reduction in Rhode Island's FFY 1996 DSH allotment ($1,286,000), plus supplemental amounts for low-DSH States ($0). The total of all preliminary FFY 1996 State DSH allotments is 12.2 percent of the total medical assistance expenditures (excluding administrative costs) projected to be made by these States in FFY 1996. The total of all preliminary DSH allotments for FFY 1996 is $380,531,000 over the FFY 1996 national target amount of $19,222,186,000.

Each State should monitor and make any necessary adjustments to its DSH spending during FFY 1996 to ensure that its actual FFY 1996 DSH payment adjustment expenditures do not exceed its preliminary State DSH allotment for FFY 1996 published in this notice. As the ongoing reconciliation between actual FFY 1996 DSH payment adjustment expenditures and the FFY 1996 DSH allotments takes place, each State should amend its plan as may be necessary to make any adjustments to its FFY 1996 DSH payment adjustment expenditure patterns so that the State will not exceed its FFY 1996 DSH allotment.

The FFY 1996 reconciliation of DSH allotments to actual expenditures will take place on an ongoing basis as States file expenditure reports with HCFA for DSH payment adjustment expenditures applicable to FFY 1996. Additional DSH payment adjustment expenditures made in succeeding FFYs that are applicable to FFY 1996 will continue to be reconciled with each State's FFY 1996 DSH allotment as additional expenditure reports are submitted to ensure that the FFY 1996 DSH allotment is not exceeded. As a result, any DSH payment adjustment expenditures for FFY 1996 in excess of the FFY 1996 DSH allotment will be disallowed; and therefore, subject to the normal Medicaid disallowance procedures.

III. Preliminary FFY 1996 DSH Allotments Under Public Law 102–234

KEY TO CHART

Column		Description
Column A	=	Name of State.
Column B	=	Final FFY 1995 DSH Allotments for All States. For a high-DSH State, this is the State's base allotment, which is the greater of the State's FFY 1992 allowable DSH payment adjustment expenditures applicable to FFY 1992, or $1,000,000. For a low-DSH State, this is equal to the final DSH allotment for FFY 1995, which was published in the FEDERAL REGISTER on September 8, 1995.
Column C	=	Growth Amounts for Low-DSH States. This is an increase in a low-DSH State's final FFY 1995 DSH allotment to the extent that the State's Medicaid program grew between FFY 1995 and FFY 1996.
Column D	=	Preliminary FFY 1996 State DSH Allotments. For high-DSH States, this is equal to the base allotment from column B. For low-DSH States, this is equal to the final State DSH allotments for FFY 1995 from column B plus the growth amounts from column C.
Column	E =	High or Low DSH State Designation for FFY 1996. ''High'' indicates the State is a high-, DSH State and ''Low'' indicates the State is a low-DSH State.

BILLING CODE 4120–01–P

PRELIMINARY FEDERAL FISCAL YEAR
1996 DISPROPORTIONATE SHARE HOSPITAL
ALLOTMENTS UNDER PUBLIC LAW 102-234
AMOUNTS ARE STATE AND FEDERAL SHARES
DOLLARS ARE IN THOUSANDS (000)

A STATE	B FINAL FFY 95 DSH ALLOTMENTS FOR ALL STATES	C GROWTH AMOUNTS FOR LOW DSH STATES (1)	D PRELIMINARY FFY 96 STATE DSH ALLOTMENTS	E HIGH OR LOW DSH STATE DESIGNATION
AL	$417,458	NOT APPLICABLE	$417,458	HIGH
AK	$20,600	$1,801	$22,401	LOW
AR	$3,338	$256	$3,594	LOW
CA	$2,191,451	NOT APPLICABLE	$2,191,451	HIGH
CO	$302,014	NOT APPLICABLE	$302,014	HIGH
CT	$408,933	NOT APPLICABLE	$408,933	HIGH
DE	$7,069	$901	$7,970	LOW
DC	$46,505	$971	$47,476	LOW
FL	$334,183	$41,166	$375,350	LOW
GA	$409,142	$35,110	$444,252	LOW
HI	$82,686	$397	$83,084	LOW
ID	$2,085	$236	$2,320	LOW
IL	$452,172	$4,146	$456,317	LOW
IN	$286,634	$54,922	$341,555	LOW
IA	$6,121	$489	$6,610	LOW
KS	$188,935	NOT APPLICABLE	$188,935	HIGH
KY	$264,289	$15,030	$279,319	LOW
LA	$1,217,636	NOT APPLICABLE	$1,217,636	HIGH
ME	$165,317	NOT APPLICABLE	$165,317	HIGH
MD	$143,100	$11,009	$154,109	LOW
MA	$575,289	$34,386	$609,676	LOW
MI	$674,005	$47,527	$721,531	LOW
MN	$61,398	$3,702	$65,100	LOW
MS	$183,200	$9,024	$192,224	LOW
MO	$731,894	NOT APPLICABLE	$731,894	HIGH
MT	$1,342	$108	$1,450	LOW
NE (3)	$11,000	NOT APPLICABLE	$11,000	LOW
NV	$73,560	NOT APPLICABLE	$73,560	HIGH
NH	$392,006	NOT APPLICABLE	$392,006	HIGH
NJ	$1,094,113	NOT APPLICABLE	$1,094,113	HIGH
NM	$17,303	$1,781	$19,084	LOW
NY	$3,023,871	$23,699	$3,047,571	LOW
NC	$430,106	$69,386	$499,491	LOW
ND	$1,203	$51	$1,254	LOW
OH	$629,925	$54,502	$684,427	LOW
OK	$24,225	$1,611	$25,836	LOW
OR	$31,413	$1,626	$33,039	LOW
PA	$967,407	NOT APPLICABLE	$967,407	HIGH
RI (2)	$110,901	NOT APPLICABLE	$109,615	LOW
SC	$439,759	NOT APPLICABLE	$439,759	HIGH
SD	$1,443	$105	$1,548	LOW
TN	$430,611	$50,955	$481,566	LOW
TX	$1,513,029	NOT APPLICABLE	$1,513,029	HIGH
UT	$5,943	$451	$6,394	LOW
VT	$29,081	$2,678	$31,758	LOW
VA	$204,798	$16,237	$220,035	LOW
WA	$336,527	$22,152	$358,680	LOW
WV	$126,094	$13,827	$139,920	LOW
WI	$11,605	$412	$12,018	LOW
WY	$1,520	$112	$1,631	LOW
TOTAL	$19,084,239	$519,764	$19,602,716	

NOTES:

(1) THERE WAS 1 LOW DSH STATE THAT HAD NEGATIVE GROWTH AND 5 LOW DSH STATES THAT RECEIVED PARTIAL GROWTH UP TO 12 PERCENT OF FFY 96 MAP.

(2) DUE TO NEGATIVE GROWTH, ALLOTMENT LIMITED TO 12 PERCENT OF FFY 96 MAP

(3) ALLOTMENT BASED UPON MINIMUM PAYMENT ADJUSTMENT AMOUNT.

BILLING CODE 4120–01–C

IV. Regulatory Impact Statement

We generally prepare a regulatory flexibility analysis that is consistent with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 through 612), unless we certify that a notice would not have a significant economic impact on a substantial number of small entities. For purposes of the RFA, States and individuals are not considered small entities. However, providers are considered small entities. Additionally, section 1102(b) of the Act requires us to prepare a regulatory impact analysis if a notice may have a significant impact on the operations of a substantial number of small rural hospitals. Such an analysis must conform to the provisions of section 604 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a Metropolitan Statistical Area and has fewer than 50 beds.

This notice sets forth no changes in our regulations; rather, it reflects the DSH allotments for each State as determined in accordance with §§ 447.297 through 447.299.

We have discussed the method of calculating the preliminary FFY 1996 national aggregate DSH target and the preliminary FFY 1996 individual State DSH allotments in the previous sections of this notice. These calculations should have a positive impact on payments to DSHs. Allotments will not be reduced for high-DSH States since we interpret the 12-percent limit as a target. Low-DSH States will get their prior FFY DSH allotments plus their growth amounts.

In accordance with the provisions with Executive Order 12886, this notice was reviewed by the Office of Management and Budget.

(Catalog of Federal Assistance Program No. 93.778, Medical Assistance Program)

Dated: February 21, 1996.

Bruce C. Vladeck,

Administrator, Health Care Financing Administration.

Dated: April 5, 1996.

Donna E. Shalala,

Secretary.

(Sec. 1102 of the Social Security Act; 42 U.S.C. 1302)

Dated: June 4, 1996.

Neil J. Stillman,

Deputy Assistant Secretary for Information Resources Management.

[FR Doc. 96–14595 Filed 6–7–96; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Request for Information Relevant to the Issuance of Import Permits for Argali Sheep From Mongolia, Kyrgyzstan, and Tajikistan

ACTION: Notice.

SUMMARY: The U.S. Fish and Wildlife Service (Service) has been notified that Mongolia, Kyrgyzstan, and Tajikistan have established export quotas for sport-hunted trophies of argali sheep (*Ovis ammon ammon*, *Ovis ammon darwini*, and *Ovis ammon polii*). The Service requests information on argali population status and management in these three countries to be considered in processing permit applications.

DATES: Information from all interested parties must be received by August 9, 1996.

ADDRESSES: Comments, information, and questions should be addressed to the Chief, Office of Management Authority, 4401 North Fairfax Drive, Room 430, Arlington, Virginia 22203. Fax Number (703) 358–2280. Comments and other information received will be available for public inspection, by appointment from 8:00 a.m. to 4:00 p.m., Monday through Friday, at the Arlington, Virginia address.

FOR FURTHER INFORMATION CONTACT: Kenneth Stansell, Chief, Office of Management Authority, at the above address or by phone at (703) 358–2093.

SUPPLEMENTARY INFORMATION:

Background

The U.S. Fish and Wildlife Service (Service) classified the argali sheep (*Ovis ammon*) populations as endangered pursuant to the Endangered Species Act of 1973, as amended, effective January 1, 1993, except for the populations in Kyrgyzstan, Mongolia, and Tajikistan (57 FR 28014). At the same time, populations in these three countries were listed as threatened with a special rule that allows for the issuance of threatened species permits for the import of sport-hunted trophies. The special rule also establishes criteria which, if met, would result in the removal of this permit requirement, thus allowing imports in accordance with Sec. 9(c)(2) of the Act.

During the time that this special rule was under legal challenge, the Service proposed reclassifying the argali population in Kyrgyzstan, Mongolia, and Tajikistan from threatened to endangered on April 27, 1993, (58 FR 25595) because of concern about the removal of controls on imports into the United States and the potential for an unlimited number of imports.

After the special rule was sustained by the court, the Service began issuing a limited number of import permits for sport-hunted trophies of argali from Kyrgyzstan and Mongolia, countries with management programs deemed to be sufficient to be able to make the required findings for permit issuance. No permits have been issued for the import of trophies from Tajikistan and the permits for argali from Kyrgyzstan have been limited to those trophies taken in areas believed to be outside the range of *Ovis ammon karelini*.

In 1993, the Service supported a study to obtain additional information on the status and management of argali and enforcement capabilities for this species in Kyrgyzstan, Mongolia, and Tajikistan. This study was conducted and a report prepared by Drs. Anna Luschekina and A. Fedosenko, and availability of the report was announced in the March 12, 1994, Federal Register notice (59 FR 13302).

In 1994, Mongolia imposed export quotas of 5 and 10 argali trophies from southeastern and western portions of Mongolia, respectively, representing the range of *Ovis ammon darwini* and *Ovis ammon ammon*. The quotas were increased to 10 animals in each area in 1995 and again in 1996. A portion of the licensing fees have gone toward activities contributing to enhancement of management and conservation of the argali, including population surveys and waterhole construction.

Kyrgyzstan imposed an export quota of 16 argali trophies in 1995 from hunting area(s) in the Naryn area, the range of *Ovis ammon polii*. The quota was increased to 20 for 1996. A portion of the licensing fees have gone toward the management of argali. The Government of Kyrgyzstan, having already established reserves for *Ovis ammon karelini*, is committed to establishing reserves for *Ovis ammon polii*.

The Service has received information from a hunting outfitter indicating that Tajikistan has established a hunting quota of 20 argali trophies for 1996. The Service is currently seeking confirmation of this information with the Ministry of Nature Conservation in Tajikistan. A survey of argali in the eastern Pamirs region of Tajikistan by A.K. Fedosenko, has been recently received by the Service and is available upon request. This report indicates there was a quota of 12–15 argali trophies in previous hunting seasons.

With the retention of import controls established in the special rule and without evidence that the status or

management of argali in Kyrgyzstan, Mongolia, or Tajikistan has changed since the original classification of these populations in June 23, 1992 (57 FR 28014), the Service continues to consider these populations as threatened. Except for the recent report by Fedosenko on argali in the Pamirs region in Tajikistan, the Service has received little additional information on the status and management of argali in these countries since the 1993 report funded by the Service. Thus, the Service is requesting additional and updated information from the Governments of Kyrgyzstan, Tajikistan, and Mongolia and from individuals and organizations knowledgeable about the status and management of the argali in these three range countries.

Information Solicited

The Service can only issue a threatened species permit for the import of argali trophies when it finds that the activity will enhance the propagation or survival of the species. So the Service solicits information on the status of argali populations in Kyrgyzstan, Mongolia, and Tajikistan, including: (1) Whether the population in each country is sufficiently large, viable, and adequately protected to sustain sport hunting, (2) whether the regulating authorities in these range countries recognize these argali populations as a valuable resource and have the legal and practical means to manage these argali populations, including examples of any recent management initiatives, and (3) whether the regulating authorities can ensure that the exported trophy has in fact been legally taken from the specified population. In addition, the Service seeks information on how any funds derived from the involved sport hunt or any contributions made directly by the applicant and/or the outfitter have been applied to argali conservation, including specific examples.

Information received will be considered in developing the Service's findings for future permit applications for the import of sport-hunted argali trophies. In the meantime, the Service continues to process applications and make its decisions on existing information.

Dated: May 30, 1996.

John G. Rogers,

Acting Director.

[FR Doc. 96–14377 Filed 6–7–96; 8:45 am]

BILLING CODE 4310–55–P

Bureau of Land Management

Lower Snake River District Resource Advisory Council; Meeting

AGENCY: Bureau of Land Management—Interior.

ACTION: Notice of meeting.

SUMMARY: The Lower Snake River District Resource Advisory Council will meet at the district office to discuss options for applying terms and conditions for improving riparian areas to livestock grazing permits and leases.

DATES: Tuesday, June 18, 1996. The meeting will begin at 8:30 a.m. and a public comment period will begin at 9:00 a.m.

ADDRESSES: The Lower Snake River District Office is located at 3948 Development Avenue, Boise, Idaho.

FOR FURTHER INFORMATION CONTACT: Barry Rose, Lower Snake River District Office (208–384–3393).

Dated: June 4, 1996.

Barry Rose,

Public Affairs Specialist.

[FR Doc. 96–14551 Filed 6–7–96; 8:45 am]

BILLING CODE 4310–GG–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–96–11]

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: June 18, 1996 at 9:30 a.m.

PLACE: Room 101, 500 E Street S.W., Washington, DC 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda for future meeting
2. Minutes
3. Ratification List
4. Inv. No. 731–TA–739 (Final) (Clad Steel Plate from Japan)—briefing and vote.
5. Inv. No. 731–TA–732–733 (Final) (Circular Welded Non-Alloy Steel Pipe from Romania and South Africa)—briefing and vote.
6. Outstanding action jackets: None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission:

Issued: June 6, 1996

Donna R. Koehnke,

Secretary.

[FR Doc. 96–14749 Filed 6–6–96; 1:05 pm]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Office of the Deputy Attorney General

Office of Tribal Justice; Policy on Indian Sovereignty

AGENCY: Office of Tribal Justice, Department of Justice.

ACTION: Notice.

SUMMARY: This notice publishes the ''Department of Justice Policy on Indian Sovereignty and Government-to-Government Relations.'' The Polcy reaffirms both the Department's recognition of the sovereign status of federally recognized Indian tribes and the Department's adherence to government-to-government relations with federally recognized Indian tribes. The Policy also contains a directive to all components of the Department of Justice to inform attorneys of the responsibilities enumerated in the policy and to make all reasonable efforts to ensure that component activities conform to its terms. The Policy also directs Department of Justice component heads to appoint a contact person to work with the Office of Tribal Justice to address Indian issues within each component.

FOR FURTHER INFORMATION CONTACT: Herbert A. Becker, Director, Office of Tribal Justice, Room 1509, Main Building, Department of Justice. Telephone: (202) 514–8812. FAX: (202) 514–9078.

SUPPLEMENTARY INFORMATION: Attached is a copy of the ''Department of Justice Policy on Indian Sovereignty and Government-to-Government Relations with Indian Tribes,'' which the Attorney General signed on June 1, 1995.

Dated: June 3, 1996.

Herbert A. Becker,

Director, Office of Tribal Justice.

Office of the Attorney General
Washington, DC 20530

DEPARTMENT OF JUSTICE POLICY ON INDIAN SOVEREIGNTY AND GOVERNMENT-TO-GOVERNMENT RELATIONS WITH INDIAN TRIBES

Purpose

To reaffirm the Department's recognition of the sovereign status of federally recognized Indian tribes as domestic dependent nations and to reaffirm adherence to the principles of government-to-government relations; to inform Department personnel, other federal agencies, federally recognized Indian tribes, and the public of the Department's working relationships with federally recognized Indian tribes; and to guide the Department in its work in the field of Indian affairs.

I. Introduction

From its earliest days, the United States has recognized the sovereign status of Indian

tribes as ''domestic dependent nations.'' *Cherokee Nation* v. *Georgia,* 30 U.S. (5 Pet.) 1, 17 (1831). Our Constitution recognize Indian sovereignty by classing Indian treaties among the ''supreme Law of the land, '' and establishes Indian affairs as a unique area of federal concern. In early Indian treaties, the United States pledged to ''protect'' Indian tribes, thereby establishing one of the bases for the federal trust responsibility in our government-to-government relations with Indian tribes. These principles continue to guide our national policy towards Indian tribes.

A. The Executive Memorandum on Government-to-Government Relations Between the United States and Indian Tribes

On April 29, 1994, at an historic meeting with the heads of tribal governments, President Clinton reaffirmed the United States' ''unique legal relationship with Native American tribal governments'' and issued a directive to all executive departments and agencies of the Federal Government that:

As executive departments and agencies undertake activities affecting Native American tribal rights or trust resources, such activities should be implemented in a knowledgeable, sensitive manner respectful of tribal sovereignty.

President Clinton's directive requires that in all activities relating to or affecting the government or treaty rights of Indian tribes, the executive branch shall:

(1) Operate within a government-to-government relationship with federally recognized Indian tribes;

(2) Consult, to the greatest extent practicable and permitted by law, with Indian tribal governments before taking actions that affect federally recognized Indian tribes;

(3) Assess the impact of agency activities on tribal trust resources and assure that tribal interests are considered before the activities are undertaken;

(4) Remove procedural impediments to working directly with tribal governments on activities that affect trust property or governmental rights of the tribes; and

(5) Work cooperatively with other agencies to accomplish these goals established by the President.

The Department of Justice is reviewing programs and procedures to ensure that we adhere to principles of respect for Indian tribal governments and honor our Nation's trust responsibility to Indian tribes. Within the Department, the Office of Tribal Justice has been formed to coordinate policy towards Indian tribes both within the Department and with other agencies of the Federal Government, and to assist Indian tribes as domestic dependent nations within the federal system.

B. Federal Indian Self-Determination Policy

President Clinton's executive memorandum builds on the firmly established federal policy of self-determination for Indian tribes. Working together with Congress, previous Presidents affirmed the fundamental policy of federal respect for tribal self-government. President Johnson recognized ''the right of the first Americans * * * to freedom of choice and self-determination.'' President Nixon strongly encouraged ''self-determination'' among the Indian people. President Reagan pledged ''to pursue the policy of self-government'' for Indian tribes and reaffirmed ''the government-to-government basis'' for dealing with Indian tribes. President Bush recognized that the Federal Government's ''efforts to increase tribal self-governance have brought a renewed sense of pride and empowerment to this country's native peoples.''

II. Principles of Indian Sovereignty and the Trust Responsibility

Though generalizations are difficult, a few basic principles provide important guidance in the field of Indian affairs: (1) the Constitution vests Congress with plenary power over Indian affairs; (2) Indian tribes retain important sovereign powers over ''their members and their territory,'' subject to the plenary power of Congress; and (3) the United States has a trust responsibility to Indian tribes, which guides and limits the Federal Government in dealings with Indian tribes. Thus, federal and tribal law generally have primacy over Indian affairs in Indian country, except where Congress has provided otherwise.

III. Department of Justice Recognition of Indian Sovereignty and the Federal Trust Responsibility

The Department resolves that the following principles will guide its interactions with the Indian tribes.

A. The Sovereignty of Indian Tribes

The Department recognizes that Indian tribes as domestic dependent nations retain sovereign powers, except as divested by the United States, and further recognizes that the United States has the authority to restore federal recognition of Indian sovereignty in order to strengthen tribal self-governance.

The Department shall be guided by principles of respect for Indian tribes and their sovereign authority and the United States' trust responsibility in the many ways in which the Department takes action on matters affecting Indian tribes. For example, the Department reviews proposed legislation, administers funds that are available to tribes to build their capacity to address crime and crime-related problems in Indian country, and in conjunction with the Bureau of Indian Affairs and tribal police, provides essential law enforcement in Indian country. The Department represents the United States, in coordination with other federal agencies, in litigation brought for the benefit of Indian tribes and individuals, as well as in litigation by Indian tribes or individuals against the United States or its agencies. In litigation as in other matters, the Department may take actions and positions affecting Indian tribes with which one or more tribes may disagree. In all situations, the Department will carry out its responsibilities consistent with the law and this policy statement.

B. Government-to-Government Relationships with Indian Tribes

In accord with the status of Indian tribes as domestic dependent nations, the Department is committed to operating on the basis of government-to-government relations with Indian tribes.

Consistent with federal law and other Departmental duties, the Department will consult with tribal leaders in its decisions that relate to or affect the sovereignty, rights, resources or lands of Indian tribes. Each component will conduct such consultation in light of its mission. In addition, the Department has initiated national and regional listening conferences and has created the Office of Tribal Justice to improve communications with Indian tribes. In the Offices of the United States Attorneys with substantial areas of Indian country within their purview, the Department encourages designation of Assistant U.S. Attorneys to serve as tribal liaisons.

In order to fulfill its mission, the Department of Justice endeavors to forge strong partnerships between the Indian tribal governments and the Department. These partnerships will enable the Department to better serve the needs of Indian tribes, Indian people, and the public at large.

C. Self-Determination and Self-Governance

The Department is committed to strengthening and assisting Indian tribal governments in their development and to promoting Indian self-governance. Consistent with federal law and Departmental responsibilities, the Department will consult with tribal governments concerning law enforcement priorities in Indian country, support duly recognized tribal governments, defend the lawful exercise of tribal governmental powers in coordination with the Department of the Interior and other federal agencies, investigate government corruption when necessary, and support and assist Indian tribes in the development of their law enforcement systems, tribal courts, and traditional justice systems.

D. Trust Responsibility

The Department acknowledges the federal trust responsibility arising from Indian treaties, statutes, executive orders, and the historical relations between the United States and Indian tribes. In a broad sense, the trust responsibility relates to the United States' unique legal and political relationship with Indian tribes. Congress, with plenary power over Indian affairs, plays a primary role in defining the trust responsibility, and Congress recently declared that the trust responsibility ''includes the protection of the sovereignty of each tribal government.'' 25 U.S.C. 3601.

The term ''trust responsibility'' is also used in a narrower sense to define the precise legal duties of the United States in managing property and resources of Indian tribes and, at times, of individual Indians.

The trust responsibility, in both senses, will guide the Department in litigation, enforcement, policymaking and proposals for legislation affecting Indian country, when appropriate to the circumstances. As used in its narrower sense, the federal trust responsibility may be justifiable in some circumstances, while in its broader sense the definition and implementation of the trust responsibility is committed to Congress and the Executive Branch.

E. Protection of Civil Rights

Federal law prohibits discrimination based on race or national origin by the federal, state and local governments, or individuals against American Indians in such areas as voting, education, housing, credit, public accommodations and facilities, employment, and in certain federally funded programs and facilities. Various federal criminal civil rights statutes also preserve personal liberties and safety. The existence of the federal trust responsibility towards Indian tribes does not diminish the obligation of state and local governments to respect the civil rights of Indian people.

Through the Indian Civil Rights Act, Congress selectively has derived essential civil rights protections from the Bill of Rights and applied them to Indian tribes. 25 U.S.C. § 1301. The Indian Civil Rights Act is to be interpreted with respect for Indian sovereignty. The primary responsibility for enforcement of the Act is invested in the tribal courts and other tribal fora. In the criminal law context, federal courts have authority to decide habeas corpus petitions after tribal remedies are exhausted.

The Department of Justice is fully committed to safeguarding the constitutional and statutory rights of American Indians, as well as all other Americans.

F. Protection of Tribal Religion and Culture

The mandate to protect religious liberty is deeply rooted in this Nation's constitutional heritage. The Department seeks to ensure that American Indians are protected in the observance of their faiths. Decisions regarding the activities of the Department that have the potential to substantially interfere with the exercise of Indian religions will be guided by the First Amendment of the United States Constitution, as well as by statutes which protect the exercise of religion such as the Religious Freedom Restoration Act, the American Indian Religious Freedom Act, the Native American Graves Protection and Repatriation Act, and the National Historic Preservation Act.

The Department also recognizes the significant federal interest in aiding tribes in the preservation of their tribal customs and traditions. In performing its duties in Indian country, the department will respect and seek to preserve tribal cultures.

IV. Directive to all Components of the Department of Justice

The principles set out here must be interpreted by each component of the Department of Justice in light of its respective mission. Therefore, each component head shall make all reasonable efforts to ensure that the component's activities are consistent with the above sovereignty and trust principles. The component heads shall circulate this policy to all attorneys in Department to inform them of their responsibilities. Where the activities and internal procedures of the components can be reformed to ensure greater consistency with this Policy, the component head shall undertake to do so. If tensions arise between these principles and other principles which guide the component in carrying out its mission, components will develop, as necessary, a mechanism for resolving such tensions to ensure that tribal interests are given due consideration. Finally, component heads will appoint a contact person to work with the Office of Tribal Justice in addressing Indian issues within the component.

V. Disclaimer

This policy is intended only to improve the internal management of the Department and is not intended to create any right enforceable in any cause of action by any party against the United States, its agencies, officers, or any person.

Dated: June 1, 1995.

Janet Reno,

Attorney General.

[FR Doc. 96–14513 Filed 6–7–96; 8:45 am]

BILLING CODE 4410–01–M

Notice of Lodging of Consent Decrees in Action To Recover Past Costs Under the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Departmental Policy, 28 CFR § 50.7, 38 FR 19029, notice is hereby given that two Consent Decrees in *United States* v. *Cassidy, et al.,* Civil Action No. 94–CV–71787–DT, were lodged with the United States District Court for the Eastern District of Michigan on May 30, 1996.

The Consent Decrees resolve claims brought by the United States pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601 *et seq.*, against Detrex Corp., Ford Motor Co., General Motors Corp., PVS-Nolwood Chemicals, Inc., Tronex Chemical Co., Van Waters & Rogers, Inc., Ethone-OMI, Inc., Henkel Corp., Chrysler Corp., General Electric Co., and Carboloy, Inc. The complaint alleges that the United States incurred response costs in connection with a release or threatened release of hazardous substances from sites operated by the ABC Barrel and Drum Company at 14290 Birwood St. and 102 W. Lantz St. in Detroit, Wayne County, Michigan. The complaint alleges that the defendants were liable for such costs as persons who arranged for the disposal of hazardous substances at the sites.

One of the Consent Decrees requires Detrex Corp., Ford Motor Co., General Motors Corp., PVS-Nolwood Chemicals, Inc., Van Waters & Rogers, Inc., Ethone-OMI, Inc., Henkel Corp., Chrysler Corp., General Electric Co., and Carboloy, Inc. to pay $2,550,000 to the EPA Hazardous Substances Superfund to settle the claims asserted against them. Under this Decree, the United States also covenants not to sue and provides contribution protection to three third party defendants who settled with the defendants for a total of $32,638: Martin Marietta Magnesia Specialties, Inc., McKesson Corp., and Union Carbide Corp. The Decree also restricts the contribution rights of the settling defendants and settling third parties.

The second Consent Decree that was lodged requires Tronex Chemical Company to pay $20,000, plus interest, in four installments to the EPA Hazardous Substance Superfund to settle the claims asserted against it in the Complaint.

The Department of Justice will receive for thirty (30) days from the date of publication of this notice written comments relating to the Consent Decrees. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Cassidy, et al.,* DOJ Ref. No. 90–11–3–1060.

The Consent Decrees may be examined at the Office of the United States Attorney, Eastern District of Michigan, 211 W. Fort St., Suite 2300, Detroit, Michigan; at the Region V Office of the Environmental Protection Agency, 77 West Jackson Blvd., Chicago, Illinois; and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C., (202) 624–0892. A copy of the proposed Consent Decrees may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy, please refer to the referenced case and enclose a check payable to the Consent Decree Library in the amount of $10.75 ($.25 cents per page reproduction costs) for the Consent Decree requiring the $2,550,000 payment, and/or, $5.75 for the Consent Decree involving Tronex Chemical Company. Please specify precisely which Decree is being requested.

Bruce S. Gelber,

Deputy Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 96–14472 Filed 6–7–96; 8:45 am]

BILLING CODE 4410–01–M

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act, (42 U.S.C. 9601–9675)

Notice is hereby given that a proposed consent decree in *United States* v. *David B. Fisher, et al.,* Civil Action No. S92–00636M, was lodged on May 22, 1996 with the United States District Court for

the Northern District of Indiana, South Bend Division. The proposed consent decree resolves the United States' claims against David B. Fisher for unreimbursed past costs incurred in connection with the Fisher-Calo Superfund Site located in Kingsbury, Indiana in return for a payment of $175,000.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *David B. Fisher, et al.,* DOJ Ref. #90–11–2–549A.

The proposed consent decree may be examined at the office of the United States Attorney, 1000 Washington Street, 203 Federal Building, Bay City, Michigan 48707; the Region 5 Office of the Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604; and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624–0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy please refer to the referenced case and enclose a check in the amount of $5.25 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Bruce S. Gelber,

Deputy Chief, Environment and Natural Resources Division.

[FR Doc. 96–14476 Filed 6–7–96; 8:45 am]

BILLING CODE 4410–01–M

Notice of Lodging of Partial Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act

Notice is hereby given that a proposed Consent Decree in *United States* v. *Richard B. Rosen*, Civil Action No. 3–95–549 (D. Minn.), entered into by the United States and defendant Richard B. Rosen, was lodged on May 24, 1996, with the United States District Court for the District of Minnesota. The Proposed Consent Decree resolves certain claims of the United States under Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act (''CERCLA''), 42 U.S.C. § 9607, with respect to the Union Scrap III Superfund Site (''Site'') in Minneapolis, Minnesota. Under terms of the Consent Decree, Richard B. Rosen will pay the United States $55,000, as specified in the Consent Decree, in return for the United States' covenant not to sue Mr. Rosen for certain past costs incurred at the Site.

The Department of Justice will receive comments relating to the proposed Consent Decree for 30 days following publication of this Notice. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, United States Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044–7611, and should refer to *United States* v. *Richard B. Rosen*, D.J. Ref. No. 90–11–3–236C. The proposed Consent Decree may also be examined at the Office of the United States Attorney for the District of Minnesota, 243 United States Courthouse, 110 South Fourth Street, Minneapolis, Minnesota 55401; the Region V Office of the United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604; and at the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, telephone no. (202) 624–0892. A copy of the proposed Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy, please enclose a check in the amount of $3.25 (25 cents per page for reproduction costs), payable to the Consent Decree Library.

Bruce S. Gelber,

Deputy Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 96–14477 Filed 6–7–96; 8:45 am]

BILLING CODE 4410–01–M

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993; Bay Area Multimedia Technology Alliance

Notice is hereby given that, on March 11, 1996, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), the Bay Area Multimedia Technology Alliance (''Alliance'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, the changes in membership are as follows.

The identities of additional members at the sponsor level are: Arthur D. Little, Inc., San Francisco, CA; Bay Networks, Inc., Santa Clara, CA; Bell Centre for Creative Communications, Scarborough, Ontario, CANADA; Connecticut Center for Educational and Training Technologies, Hartford, CT; DynCorp (Aerotherm), Reston, VA; Eastman Kodak, Rochester, NY; Informix Software, Inc., St. Petersburg, FL; Interactive Digital Solutions (SGI), Mountain View, CA; Intercom Ontario Consortium, North York, Ontario, CANADA; Kairos Software, Inc., Sunnyvale, CA; Lockheed Martin Media Systems Integration, Sunnyvale, CA; NASA—Ames, Moffett Field, CA; Network Imaging Corporation, Herndon, VA; Pacific Bell, San Ramon, CA; Partnerships for Change, San Francisco, CA; Philips Multimedia Center, Sunnyvale, CA; Smart Valley, Inc., Santa Clara, CA; Tandem Computers, Inc., Cupertino, CA; TELE–TV, Reston, VA; Vital Pathways, Sunnyvale, CA; and West Virginia High Tech Consortium, Fairmont, WV.

The identities of additional participating members are: Crittenden Consulting, Saratoga, CA; FORE Systems, Santa Clara, CA; Madge Networks, San Jose, CA; Network General Corporation, Menlo Park, CA; Rusher, Loscavio & LoPresto, Palo Alto, CA; Science Education Academy of the Bay Area (SEABA), San Francisco, CA; and the San Francisco Museum of Modern Art, San Francisco, CA.

The identities of additional organizations that have joined as associate members are: CADart, Inc., Sunnyvale, CA; Communications Engineering, Inc., Newington, VA; Conlon Consulting Group, Moraga, CA; Electronic Publishing Resources (epr), Sunnyvale, CA; Evolve Software, San Francisco, CA; Industry Graphics, San Jose, CA; Institute for Behavioral Healthcare, Portola Valley, CA; Neocreativity, Mill Valley, CA; net.PROPHET, Kansas City, MO; The Skornia Law Firm, San Jose, CA; Sterling Software, Redwood City, CA; and Strategic Decisions Group, Menlo Park, CA.

The identities of additional organizations that have joined as subscriber members are: CyberHelp, Sunnyvale, CA; FS Communications, Mountain View, CA; NEC Systems Laboratory, Inc., San Jose, CA; Songworks Systems & Products, Laguna Hills, CA; and the World Institute on Disability, Oakland, CA.

The identities of additional organizations that have joined as No

Direct Support members are: Bay Area Shared Information Consortium (BASIC), Mountain View, CA; California State University at Hayward, Hayward, CA; Interactive Multimedia Association, Annapolis, MD; MFP-Australia, Adelaide, AUSTRALIA; Multimedia Development Group (MDG), San Francisco, CA; Multimedia Research Group (MRG), Sunnyvale, CA; National Information Infrastructure Testbed (NIIT), Denver, CO; Oak Grove School District, San Jose, CA; and the Regional Tech Center of Santa Clara, City Office of Education, San Jose, CA.

No changes have been made in the planned activities of the Alliance. Membership remains open and the Alliance intends to file additional written notifications disclosing all changes in membership.

On September 18, 1995, the Alliance filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the Federal Register pursuant to section 6(b) of the Act on February 15, 1996 (61 FR 6038).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 96–14474 Filed 6–7–96; 8:45 am]

BILLING CODE 4410–01–M

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Multimedia Services Affiliate Forum, Inc.

Notice is hereby given that, on April 20, 1996, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. § 4301 *et seq.* (''the Act''), the Multimedia Services Affiliate Forum, Inc. (''MSAF'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to Section 6(b) of the Act, the identities of the parties are: AT&T Corporation, New York; Bellcore, Morristown, NJ; Bell Global Solutions, Toronto, Ontario, CANADA; British Telecommunications plc, London, ENGLAND; Cisco Systems, Inc., San Jose, CA; CompuServe, Columbus, OH; DaCom, Seoul, SOUTH KOREA; Deutsche Telekom AG, Bonn, GERMANY; Electronic Trade Center, Ltd., Helsinki, FINLAND; Folio Corporation, Provo, UT; France Telecom, Paris, FRANCE; GTE Telephone Operations, Irvin, TX; IBM, Armonk, NY; ITK Telekommunikations AG, Dortmund, GERMANY; Kokusai Denshin Denwa Co., Ltd., Tokyo, JAPAN; Korea Telecom, Seoul, KOREA; Lexis-Nexis, Dayton, OH; Lotus Development Corporation, Cambridge, MA; Microsoft Corporation, Redmond, WA; Novell, Inc., Orem, UT; NTT Corporation, Toyko, JAPAN; NTT Data, Tokyo, JAPAN; Siemens-Nixdorf, Munich, GERMANY; Singapore Telecommunications, Singapore, MALAYSIA; Telecom Italia, Rome, ITALY; Telecom Malaysia Berhad, Kuala Lumpur, MALAYSIA; Telstra Corporation, Sydney, New South Wales, AUSTRALIA; and Unisource N.V., Hooffdorp, NETHERLANDS.

MASF's purpose is to promote, improve and facilitate the interconnectivity and interoperability of network-based multimedia services through researching, evaluating and establishing interconnectivity and interoperability specifications for new and emerging multimedia technologies and servcie.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 96–14475 Filed 6–7–96; 8:45 am]

BILLING CODE 4410–01–M

Immigration and Naturalization Service

[INS No. 1770–96; AG Order No. 2032–96]

RIN 1115–AE26

Extension of Designation of Rwanda Under Temporary Protected Status Program

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice.

SUMMARY: This notice extends, until December 6, 1996, the Attorney General's designation of Rwanda under the Temporary Protected Status (''TPS'') program provided for in section 244A of the Immigration and Nationality Act, as amended (''the Act''). Accordingly, eligible aliens who are nationals of Rwanda, or who have no nationality and who last habitually resided in Rwanda, may re-register for Temporary Protected Status and extension of employment authorization. This re-registration is limited to persons who already have registered for the initial period of TPS which ended on June 6, 1995.

EFFECTIVE DATES: This extension of designation is effective on June 7, 1996, and will remain in effect until December 6, 1996. The primary re-registration procedures become effective on June 10, 1996, and will remain in effect until July 9, 1996.

FOR FURTHER INFORMATION CONTACT: Ronald Chirlin, Adjudications Officer, Immigration and Naturalization Service, Room 3214, 425 I Street, NW., Washington, DC 20536, telephone (202) 514–5014.

SUPPLEMENTARY INFORMATION: Under section 244A of the Act, as amended by section 302(a) of Public Law 101–649 and section 304(b) of Public Law 102–232 (8 U.S.C. 1254a), the Attorney General is authorized to grant Temporary Protected Status in the United States to eligible aliens who are nationals of a foreign state designed by the Attorney General, or who have no nationality and who last habitually resided in that state. The Attorney General may designate a state upon finding that the state is experiencing ongoing armed conflict, environmental disaster, or certain other extraordinary and temporary conditions that prevent nationals or residents of the country from returning in safety.

Effective on June 7, 1994, the Attorney General designated Rwanda for Temporary Protected Status for a period of 12 months, 59 FR 29440. The Attorney General extended the designation of Rwanda under the TPS program for an additional 12-month period until June 6, 1996, 60 FR 27790.

This notice extends the designation of Rwanda under the Temporary Protected Status program for an additional 6 months, in accordance with sections 244A(b)(3) (A) and (C) of the Act. This notice also describes the procedures which eligible aliens who are nationals of Rwanda, or who have no nationality and who last habitually resided in Rwanda, must comply with in order to re-register for TPS.

In addition to timely re-registrations and late re-registrations authorized by this notice's extension of Rwanda's TPS designation, late initial registrations are possible for some Rwandans under 8 CFR 240.2(f)(2). Such late initial registration must have been ''continuously physically present'' in the United States since June 7, 1994, must have had a valid immigrant or non-immigrant status during the original registration period, and must register no later than 30 days from the expiration of such status. An Application for Employment Authorization, Form I–765, must always be filed as part of either a re-registration or as part of a late initial registration together with the Application for Temporary Protected Status, Form I–821. The appropriate filing fee must accompany Form I–765 unless a

properly documented fee waiver request is submitted to the Immigration and Naturalization Service or unless the applicant does not request employment authorization. The Immigration and Naturalization Service required TPS registrants to submit Form I–765 for data-gathering purposes.

Notice of Extension of Designation of Rwanda under the Temporary Protected Status Program

By the authority vested in me as Attorney General under section 244A of the Immigration and Nationality Act, as amended, (8 U.S.C. 1254a), and pursuant to sections 224A(b)(3) (A) and (C) of the Act, I have had consultations with the appropriate agencies of the Government concerning (a) the conditions in Rwanda; and (b) whether permitting nationals of Rwanda, and aliens having no nationality who last habitually resided in Rwanda, to remain temporarily in the United States is contrary to the national interest of the United States. After these consultations, I remain unable to determine that Rwanda no longer meets the conditions for Temporary Protected Status designation under paragraph 244A(b)(3)(C) of the Act. Accordingly, it is ordered as follows:

(1) The designation of Rwanda under section 244A(b) of the Act is extended for an additional 6-month period from June 7, 1996, to December 6, 1996.

(2) I estimate that there are approximately 200 nationals of Rwanda, and aliens having no nationality who last habitually resided in Rwanda, who have been granted Temporary Protected Status and who are eligible for re-registration.

(3) In order to maintain current registration for Temporary Protected Status, a national of Rwanda, or an alien having no nationality who last habitually resided in Rwanda, who received a grant of TPS during the initial period of designation from June 7, 1994, to June 6, 1995, must comply with the re-registration requirements contained in 8 CFR 240.17, which are described in pertinent part in paragraphs (4) and (5) of this notice.

(4) A national of Rwanda, or an alien having no nationality who last habitually resided in Rwanda, who previously has been granted TPS, must re-register by filing a new Application for Temporary Protection Status, Form I–821, together with an Application for Employment Authorization, Form I–765, within the 30-day period beginning on July 10, 1996, and ending on July 9, 1996, in order to be eligible for Temporary Protected Status during the period from June 7, 1996, until December 6, 1996. Late re-registration applications will be allowed pursuant to 8 CFR 240.17(c).

(5) There is no fee for Form I–821 filed as part of the re-registration application. The fee prescribed in 8 CFR 103.7(b)(1), currently seventy dollars ($70), will be charged for Form I–765, filed by an alien requesting employment authorization pursuant to the povisions of paragraph (4) of this notice. An alien who does not request employment authorization must nonetheless file Form I–821 together with Form I–765, but in such cases both Form I–821 and Form I–765 should be submitted without fee.

(6) Pursuant to section 244A(b)(3)(A) of the Act, the Attorney General will review, at least 60 days before December 6, 1996, the designation of Rwanda under the TPS program to determine whether the conditions for designation continue to be met. Notice of that determination, including the basis for the determination, will be published in the Federal Register.

(7) Information concerning the TPS program for nationals of Rwanda, and aliens having no nationality who last habitually resided in Rwanda, will be available at local Immigration and Naturalization Service offices upon publication of this notice.

Dated: June 5, 1996.

Janet Reno,

Attorney General.

[FR Doc. 96–14719 Filed 6–7–96; 8:45 am]

BILLING CODE 4410–01–M

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Meeting

TIME AND DATE: 10:00 a.m., Wednesday, June 12, 1996.

PLACE: Room 6005, 6th Floor, 1730 K Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. New Warwick Mining Co., Docket Nos. PENN 93–199–R and PENN 93–308. (Issues include whether the judge correctly determined that the operator violated 30 CFR § 70.207(a) by taking respirable dust samples from underneath the face shield of an airstream helmet and that the violation was the result of unwarrantable failure.)

2. Consolidation Coal Co., Docket No. WEVA 94–235–R. (Issues include whether the judge correctly determined that the operator did not violate 30 CFR § 75.342(b)(2) when the warning light on a methane monitor was not within the line of sight of a person who could deenergize the longwall equipment on which the monitor was mounted.)

Any person attending this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR § 2706.150 (a)(3) and § 2706.160(d).

CONTACT PERSON FOR MORE INFO: Jean Ellen (202) 653–5629 / (202) 708–9300 for TDD Relay /1–800–877–8339 for toll free.

Dated: June 4, 1996.

Jean H. Ellen,

Chief Docket Clerk.

[FR Doc. 96–14714 Filed 6–11–96; 11:58 am]

BILLING CODE 6735–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 96–059]

National Environmental Policy Act; International Space Station

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of availability of Tier 2 final environmental impact statement.

SUMMARY: Pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. 4321 et seq.), the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA (40 CFR Parts 1500–1508), and NASA policy and procedures (14 CFR Part 1216, Subpart 1216.3), NASA has prepared and issued a Tier 2 final environmental impact statement (FEIS) for the International Space Station (ISS). The proposed action by NASA is to continue to provide U.S. participation in the assembly and operation of the ISS. This Tier 2 FEIS addresses changes to the Space Station program and potential environmental impacts that could not be addressed in detail at the time of the Tier 1 FEIS. These factors include modifications to the Space Station itself, its assembly and operation, an assessment of the probability and consequences of reentry into Earth's atmosphere, and an assessment of the proposed decommissioning plan.

DATES: NASA will take no final action on the proposed continued U.S. participation in the ISS program before July 10, 1996, or 30 days from the date of publication in the Federal Register of the U.S. Environmental Protection Agency's notice of availability of the ISS Tier 2 FEIS, whichever is later.

ADDRESSES: The Tier 2 FEIS may be reviewed at the following locations:

(a) NASA, Headquarters, Library, Room 1J20, 300 E Street SW., Washington DC 20546.

(b) NASA, Johnson Space Center, Building 111, Industry Assistance Office, Houston, TX 77058.

(c) Spaceport U.S.A., Room 2001, John F. Kennedy Space Center, FL 32899. Please call Lisa Fowler beforehand at 407–867–2497 so that arrangements can be made.

In addition, the Tier 2 FEIS may be examined at the following NASA locations by contacting the pertinent Freedom of Information Act Office:

(d) NASA, Ames Research Center, Moffett Field, CA 94035 (415–604–4190).

(e) NASA, Dryden Flight Research Center, Edwards, CA 93523 (805–258–3448).

(f) NASA, Goddard Space Flight Center, Greenbelt, MD 20771 (301–286–0730).

(g) Jet Propulsion Laboratory, Visitors Lobby, Building 249, 4800 Oak Grove Drive, Pasadena, CA 91109 (818–354–5179).

(h) NASA, Langley Research Center, Hampton, VA 23665 (804–864–6125).

(i) NASA, Lewis Research Center, 21000 Brookpark Road, Cleveland, OH 44135 (216–433–2313).

(j) NASA, Marshall Space Flight Center, AL 35812 (205–544–5252).

(k) NASA, Stennis Space Center, MS 39529 (601–688–2164).

Limited copies of the Tier 2 FEIS are available, on a first request basis, by contacting David Ruszczyk at the address or telephone number indicated below.

FOR FURTHER INFORMATION CONTACT: Mr. David Ruszczyk, NASA Johnson Space Center, Code OF, Houston, Texas 77058–3696; telephone 713–244–7756.

SUPPLEMENTARY INFORMATION: NASA issued the *Final Tier 1 Environmental Impact Statement for Space Station Freedom* in March 1991 (the ''Tier 1 FEIS'') followed by the associated Record of Decision to proceed with full-scale design and development of the concept known as Space Station Freedom.

At the time the Tier 1 FEIS was prepared, detailed design information was not available. As a consequence, some issues relating to the potential environmental effects of Space Station Freedom were deferred to the Tier 2 environmental impact statement. These issues included the impacts of any significant design modifications that might be incorporated as the design matured, and a quantitative analysis of the probability and consequences of inadvertent reentry into the Earth's atmosphere during assembly and operation. Other issues that were deferred included venting of nontoxic gases during operation and change to a hydrazine propulsion system.

The proposed action considered in this Tier 2 FEIS and NASA's preferred alternative is to continue to provide U.S. participation in the implementation of assembly and operation of the ISS. The Tier 2 FEIS considers the alternative to the proposed action, the ''No-Action'' alternative (i.e., cancellation of U.S. participation in the ISS program).

Comments on the ISS Tier 2 draft environmental impact statement have been solicited from Federal, State, and local agencies, organizations, and members of the general public through: (a) notices published in the Federal Register—NASA notice on December 6, 1995 (60 FR 62480), and EPA notice on December 8, 1995 (60 FR 63044); and (b) direct mailings to interested parties. Comments received have been addressed in the Tier 2 FEIS.

Dated: June 5, 1996.

Benita A. Cooper,

Associate Administrator for Management Systems and Facilities.

[FR Doc. 96–14624 Filed 6–7–96; 8:45 am]

BILLING CODE 7510–01–M

[Notice 96–058]

Government-Owned Inventions, Available for Licensing

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of availability of inventions for licensing.

SUMMARY: The inventions listed below are assigned to the National Aeronautics and Space Administration, have been filed in the United States Patent and Trademark Office, and are available for licensing.

Copies of patent applications cited are available from the Office of Patent Counsel, Lewis Research Center, Mail Code LE–LAW, Cleveland, OH 44135. Claims are deleted from the patent applications to avoid premature disclosure.

DATES: June 10, 1996.

FOR FURTHER INFORMATION CONTACT: Kent N. Stone, Patent Counsel, Mail Code LE–LAW, Lewis Research Center, Cleveland, OH 44135; telephone (216) 433–2320, fax (216) 433–6790.

NASA Case No. LEW–15,154–2: A Method of Coating Low Expansion Substrates;

NASA Case No. LEW–15,310–1: Simplified Digital Subband Coder/Decoder;

NASA Case No. LEW–15,576–2: Ion Exchange Polymers and Method for Making;

NASA Case No. LEW–15,802–1: Method of Producing Stable Rotating and Free-Floating Plasmas;

NASA Case No. LEW–15,735–1: Improved Post-Scan Interactive Data Display Process for Ultrasonic Imaging;

NASA Case No. LEW–16,274–1: Method of Using Conductive Polymers to Manufacture Printed Circuit Boards;

NASA Case No. LEW–15,793–1: Emissivity Independent and Calibration Free Multiwavelength Pyrometer;

NASA Case No. LEW–15,956–1: PdTi As a Hydrogen Sensitive Metal;

NASA Case No. LEW–15,076–1: Video Event Trigger—Derives a Digital Trigger Signal If A Moving Object Appears In A Stationary;

NASA Case No. LEW–15,922–1: Apparatus and Method of Cold Welding Thin Wafer to Hard Substrates;

NASA Case No. LEW–15,760–1: Preferentially Etched Epitaxial Liftoff of InP;

NASA Case No. LEW–15,896–1: Process for Non-Contact Removal of Lacquer and Other Protective Organic Coatings From The Surface of Paintings;

NASA Case No. LEW–15,408–2: ''Directional Electrostatic Accretion Process Employing Acoustic Droplet Formation'';

NASA Case No. LEW–15,810–1: Liquid-Crystal Phase-Shifting Point Diffraction Interferometer;

NASA Case No. LEW–16,257–1: Single-Transducer Ultrasonic Imaging Method That Eliminates Component Thickness Variation Effects;

NASA Case No. LEW–15,918–1: Series Connected Converter for Control of Multi-Bus Spacecraft Power Utility;

NASA Case No. LEW–15,920–1: A Novel Idea for Reducing Skin Friction;

NASA Case No. LEW–15,823–1: Method for Forming Microscopic Structures on Irregularly Shaped Surfaces;

Dated: June 3, 1996.

Edward A. Frankle,

General Counsel.

[FR Doc. 96–14469 Filed 6–7–96; 8:45 am]

BILLING CODE 7510–01–M

[Notice 96–061]

NASA Advisory Council, Bion Task Force; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council, Bion Task Force.

DATES: July 1, 1996, 8:30 a.m. to 5:00 p.m.

ADDRESSES: National Aeronautics and Space Administration Headquarters, 300 E Street, SW., MIC 6 A & B, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Dr. Frank Sulzman, Code UL, National Aeronautics and Space Administration, Washington, DC 20546, 202/358–0200.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room and public comment will be allowed during designated discussion periods. The agenda for the meeting is:

—Welcome & Opening Remarks
—Charge to Committee
—Bion Overview
—Discussion
—Science Integrity Presentations
—Animal Welfare Presentations
—Sub-group Splinter Sessions
—Sub-group Reports
—Discussion

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be required to sign a visitor's register.

Dated: June 5, 1996.

Leslie M. Nolan,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 96–14626 Filed 6–7–96; 8:45 am]

BILLING CODE 7510–01–M

[Notice (96–060)]

NASA Advisory Council, Minority Business Resource Advisory Committee Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Public Law 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Minority Business Resource Advisory Committee.

DATES: June 27, 1996, 9:00 a.m. to 4:00 p.m.

ADDRESSES: NASA Headquarters Room 9H40 (9th Floor Program Review Center), 300 E Street SW., Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph C. Thomas, III, Office of Small and Disadvantaged Business Utilization, National Aeronautics and Space Administration, Room 9K70, 300 E Street SW, Washington, DC 20546, (202) 358–2088.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

—Call to Order
—Reading of Minutes
—Update on NASA SDB Program
—Report from the Chairman
—Public Comment
—Proposed MBRAC Recommendations
—Subcommittee Reports
—New Business
—Adjourn

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: June 5, 1996.

Leslie M. Nolan,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 96–14625 Filed 6–7–96; 8:45 am]

BILLING CODE 7510–01–M

NATIONAL COUNCIL ON DISABILITY

Sunshine Act Meeting

AGENCY: National Council on Disability.

SUMMARY: This notice sets forth the schedule and proposed agenda of the forthcoming quarterly meeting of the National Council on Disability. Notice of this meeting is required under Section 522b(e)(1) of the Government in the Sunshine Act, (P.L. 94–409).

DATES: July 24–26, 1996, 8:30 a.m. to 5:00 p.m.

LOCATION: President's Committee on Employment of People with Disabilities, Training Room, 1331 F Street NW., 3d Floor, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mark S. Quigley, Public Affairs Specialist, National Council on Disability, 1331 F Street NW., Suite 1050, Washington, DC 20004–1107; (202) 272–2004 (Voice), (202) 272–2074 (TT), (202) 272–2022 (Fax); mquigley@ncd.gov (e-mail).

AGENCY MISSION: The National Council on Disability is an independent federal agency led by 15 members appointed by the President of the United States and confirmed by the U.S. Senate. The overall purpose of the National Council is to promote policies, programs, practices, and procedures that guarantee equal opportunity for all people with disabilities, regardless of the nature of severity of the disability; and to empower people with disabilities to achieve economic self-sufficiency, independent living, and inclusion and integration into all aspects of society.

ACCOMMODATIONS: Those needing interpreters or other accommodations should notify the National Council on Disability prior to this meeting.

ENVIRONMENTAL ILLNESS: People with environmental illness must reduce their exposure to volatile chemical substances in order to attend this meeting. In order to reduce such exposure, we ask that you not wear perfumes or scents at the meeting. We also ask that you smoke only in designated areas and the privacy of your room. Smoking is prohibited in the meeting room and surrounding area.

OPEN MEETING: This quarterly meeting of the National Council shall be open to the public.

AGENDA: The proposed agenda includes:

Reports from the Chairperson and the Executive Director
Committee Meetings and Committee Reports
National Disability Policy: A Progress Report Update
Sixth Anniversary of the Americans with Disabilities Act
Unfinished Business
New Business
Announcements
Adjournment

Records shall be kept of all National Council proceedings and shall be available after the meeting for public inspection at the National Council on Disability.

Signed in Washington, DC, on June 5, 1996.

Speed Davis,

Acting Executive Director.

[FR Doc. 96–14716 Filed 6–6–96; 12:00 pm]

BILLING CODE 6820–BS–M

NATIONAL SCIENCE FOUNDATION

Directorate for Social, Behavioral, and Economic Sciences; Proposed Collection Available for Public Comment: Comments Requested by August 4, 1996

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the National Science Foundation (NSF) will publish periodic summaries of proposed

projects. To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, call the NSF Clearance Officer on (703) 306–1243.

Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: Separately budgeted current fund expenditures on research and development in the sciences and engineering performed by universities and colleges and their affiliated federally funded research and development centers—A mail survey, the Survey of Scientific and Engineering Expenditures at Universities and Colleges, originated in fiscal year (FY) 1954 and has been conducted annually since FY 1972. The survey is the academic expenditure component of the NSF statistical program that seeks to ''provide a central clearinghouse for the collection, interpretation, and analysis of data on the availability of, and the current and projected need for, scientific and technical resources in the United States, and to provide a source of information for policy formulation by other agencies of the Federal government'' as mandated in the National Science Foundation Act of 1950. the proposed project will continue the current survey cycle for three to five years. The FY 1996 and FY 1997 will be a statistical sample of approximately 518 institutions and FY 1998 a full survey population of about 700 institutions. The survey is conducted as a full survey population every 5 years and as a statistical sample in each of the 4 intervening years. These institutions account for over 95 percent of the Nation's academic R&D funds. The survey has provided continuity of statistics on R&D expenditures by source of funds and by science & engineering (S&E) field, with separate data requested on current fund expenditures for research equipment by S&E field. Statistics from the survey are published in NSF's annual publication series Academic Science and Engineering R&D Expenditures and are available electronically on the World Wide Web.

The survey will be mailed primarily to the administrators at the Institutional Research Offices. To minimize burden, institutions are provided with (in addition to paper copy) an automatic survey questionnaire (ASQ) diskette, pre-loaded with the institutions previous years data and a complete program for editing and trend checking. Respondents are encouraged to submit their response via the ASQ diskette or electronically via internet. Approximately 60% responded via ASQ or electronically to this voluntary survey in FY 1994 and a total response rate of 99.6% was obtained. Burden estimates are as follows:

Total number of institutions	Doctorate-granting	Masters-granting	Bachelors degree or below
			Burden hours
FY 1992 480	20.8 hours	12.0 hours	4.4 hours.
FY 1993 700	21.0 hours	8.1 hours	5.2 hours.
FY 1994 518	21.6 hours	7.7 hours	4.3 hours.

Send comments to Herman Fleming, Clearance Officer, National Science Foundation, National Science Foundation, 4201 Wilson Boulevard, Suite 485, Arlington, VA 22230. Written comments should be received by August 4, 1996.

Dated: June 5, 1996.

Herman G. Fleming,

NSF Clearance Officer.

[FR Doc. 96–14560 Filed 6–7–96; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SKILL STANDARDS BOARD

Request for Comments; Notice of Public Hearings

This notice announces the second in a series of public hearings to stimulate public dialogue on key issues relevant to the decision-making of the National Skill Standards Board (NSSB), and notifies the public of the dates, locations, and times of these hearings. The second round of public hearings will solicit the public's views on the nature, scope, and functions of an ideal national system of workforce development, and to determine how skill standards can enhance that system.

The first series of hearings, held in April 1996, garnered valuable information from employers, vocational educators, parents, professional associations, union leaders, community organizations, state government agencies, teachers, and others. Their views provided a framework for the Board's development of a voluntary system of skill standards. The National Skill Standards Board will continue to develop its policies and approaches by sharing its preliminary thinking with the public before the Board's final adoption of policies.

Those providing testimony at the initial set of pubic hearings gave a broad range of comments on issues relating to NSSB's mission, skill standards' characteristics and uses, existing models for implementation, the role of voluntary partnerships, the identification of occupational clusters, and high performance/best practice workplaces. There was unanimous support for the mission and efforts of NSSB. There was a general consensus that the NSSB should: (1) Learn from existing efforts to avoid reinventing the wheel; (2) involve all stakeholders in the process, but employers must lead the effort; (3) establish standards that are portable, flexible, integrated with academic standards and basic employability skills, and that are regularly updated; and (4) create a common lexicon to describe skills and standards. In addition, although there was common agreement on the necessity of clustering tasks or occupations, there was no consensus on the best method of clustering. Finally, there was no consensus on the issue of how the Board's work should relate to the concept of high performance/best practice workplaces or jobs. Many agreed that highly skilled jobs are integral to America's economic health, but they urged the Board to not focus solely on highly skilled jobs but on those that are most important to the economy.

Within future public hearings, the NSSB will solicit public comment on such topics as:

- Voluntary partnerships.

- Occupational skill clusters for skill standards development.
- Standards endorsement criteria.
- Assessment.
- Certification and accreditation.
- Civil rights issues in developing a voluntary system of skill standards.

DATES:

A. *Hearing Dates:* The dates of the second set of public hearings are:

- Wednesday, June 26, 1996: San Francisco, CA.
- Tuesday, July 9, 1996: Detroit, MI.
- Thursday, July 11, 1996: Washington, DC.

B. *Comment Dates for Public Hearings:* Comments and notices of intent to present oral and/or written statements at the hearings must be received 10 business days before the date of the hearing at which they will be presented. The requirements for the comments are set forth in the **SUPPLEMENTARY INFORMATION** section below. We strongly encourage responses to the Questions for Public Comment.

ADDRESSES: The locations of the three public hearings are as follows:

- San Francisco: Ramada Plaza Hotel at Fisherman's Wharf, 590 Bay St., San Francisco, CA 94133, (415) 885–4700.
- Detroit: Westin Hotel at Renaissance Center, Detroit, MI 48243, (313) 568–8000.
- Washington: Hyatt Regency at Capitol Hill, 400 New Jersey Ave., NW., Washington, DC 20001, (202) 737–1234.

Notice of intent to present oral statements or written statements must be mailed to NSSB Public Hearing Coordinator at the address below.

FOR FURTHER INFORMATION CONTACT: NSSB Public Hearing Coordinator, National Skill Standards Board, 1441 L Street, NW., Suite 9000, Washington, DC 20005–3512, (202)–254–8628, (202)–254–8646 (fax).

ADDITIONAL INFORMATION:

Form of Public Comment

The hearings will begin at 9:30 a.m. and adjourn at 1:00 p.m. To assist the NSSB in scheduling speakers, the written notice of intent to present oral comments should include the following information: (1) the name, address, and telephone number of each person to appear; (2) title and affiliation; and (3) the specific questions, issues or concerns that will be addressed.

Individuals who do not register in advance will be permitted to register and speak at each hearing, if time permits, in order of registration. Speakers should limit their oral remarks to no more than 10 minutes. Although it is anticipated that all persons desiring to speak will have an opportunity to do so, time limits may not allow this to occur. However, all written statements will be accepted and incorporated into the public record. The proceedings will be audiotaped and transcribed.

Meeting Procedure and Objectives

Members of the National Skill Standards Board will comprise the hearing panel. A designated member of the NSSB will preside at each of the hearings. The Presiding Board Member will:

(1) Regulate the course of the meeting, including the order of appearance of persons presenting oral statements;
(2) Dispose of procedural matters; and
(3) Limit the presentations to matters pertinent to the issues raised in this notice.

Background

The National Skill Standards Board was created by The National Skill Standards Act of 1994 (108 Stat 192,20 U.S.C. 5933), signed into law by President Clinton on March 31, 1994. The Board's purpose as stated in the Act is ''to serve as a catalyst in stimulating the development and adoption of a voluntary national system of skill standards and of assessment and certification of attainment of skill standards: (1) That will serve as a cornerstone of the national strategy to enhance workforce skills; (2) that will result in increased productivity, economic growth, and American economic competitiveness; and (3) that can be used consistent with civil rights laws'' by the stakeholders enumerated in the Act: the nation, industries, employers, labor organizations, workers, students, entry-level workers, training providers, educators and government.

The Act also relates that this voluntary national system of skill standards will serve (1) to facilitate the transition to high performance work organizations; (2) to increase opportunities for minorities and women; and (3) to facilitate linkages between other components of the national strategy to enhance workforce skills.

The National Skill Standards Act calls for voluntary skill standards that ''facilitate linkages between other components of the national strategy to enhance workforce skills.'' These other components include the educational system, school-to-work programs, welfare-to-work programs, job training programs, apprenticeship, occupational licensing and certification, literacy and basic skills programs, and one-stop career centers. NSSB welcomes comments on how skill standards can best contribute to the collaborative efforts of employers, educators and trainers, government, other stakeholder groups, and individual workers in creating a model system that prepares individuals for the workplace.

Voluntary skill standards are essential to an effective workforce development system. Standards accomplish this purpose by communicating the knowledge, skills, and abilities needed for individuals to succeed in the workplace. To adapt to the changing skill needs of the continuously evolving economy, Americans will need to engage in ongoing learning throughout their careers.

An ideal workforce development system effectively links public and private resources and programs to:

- Give students a strong foundation of academic and work-related skills;
- Develop career pathways for students to facilitate employment in rewarding careers;
- Provide employers with the skilled employees needed in today's and tomorrow's economy;
- Enable workforce entrants, the unemployed, and current workers to clearly understand the skills needed for success in current and future workplaces;
- Connect individuals with the education and training they need to meet voluntary skill standards; and
- Give states and localities a mechanism to ensure accountability and continual improvement in public education and training programs.

Voluntary skill standards allow individuals to easily transfer evidence of skill attainment from one education or training provider to another. A voluntary standards system also enables both individuals and programs to clearly identify the skills individuals already possess, so that they can acquire the new skills they need, not re-learn old skills. This ensures cost-effective programming and streamlined instructional programs.

An effective workforce development system gives people greater control over their own education and training. The current assortment of programs with different entry requirements and services makes it nearly impossible for individuals to navigate the bureaucracy and find the appropriate education and training. Everyone should have ready access to information on jobs, and the education and training needed to qualify for those jobs.

An effective workforce development system is one that:

- Is standards-driven: Standards provide a common framework for linking a diverse array of training providers and communicating clear

pathways to successful careers. Standards help people bridge the gap between their current skills and abilities and the workplace needs of the future.

- Is user-driven: The system must serve a wide range of users: employers seeking a skilled workforce; individuals who want to build their knowledge, skills and abilities; and educators and trainers who will meet the needs of both employers and learners.
- Offers users flexible, timely, high quality service delivery options: A flexible, adaptive and user-driven system is one that is easily accessed and can be tailored to meet an individual's requirements. Such a system offers users a variety of service providers that can assure timely, high quality education and training. Through the use of skill standards, individuals can ''shop around'' for the best training, and continue to learn and improve their earnings throughout their lifetimes.
- Communicates skill requirements clearly: An effective workforce development system enables employers, educators, trainers, workers, job seekers, students, parents and others to speak a common language, so that skill needs are clearly understood and effectively translated into relevant training and educational programs.
- Is based upon an effective, objective assessment of knowledge and skills.

In today's economy, individuals pursue extremely varied paths from school to work, and from one job or career to another. Academic and skill attainment should link clearly and easily with voluntary skill standards, so that individuals understand how to apply their knowledge and skills to different career areas. An effective, user-driven skill standards system should be responsive to different paths to careers, so that no one is excluded from well-paid jobs solely because he or she took a different path to acquiring the needed knowledge and skills.

Basing a workforce development system upon voluntary skill standards would permit more flexibility with respect to where instruction is offered, instructional methods, the education or training provider, and the duration of the program. Thus the same results can be achieved by a variety of paths. The integration of skill standards into a workforce development system will facilitate access to better jobs for people from all backgrounds, by redefining access and creating a more level playing field.

Training might be acquired on the job, in the classroom, or some combination of both. For example, adults could pursue more advanced skills in vocational schools, or in programs offered by their employers and/or unions either in-house or under contract with a third party provider. Training might also take place in postsecondary educational institutions or through alternative education providers. In all cases, adults would have the information and access to the resources they need to keep their skills continuously refreshed.

A successful workforce development system requires a high level of coordination and communication among education and training providers, government agencies, employers, labor unions, and community members. In some countries, workforce development success is governed by long-standing partnerships of industry, education and organized labor, and is based on an understanding of their common interests in assuring a society made up of well-educated, highly-skilled individuals. If the United States is to maintain and improve its competitive edge, these parties must work together to promote a thriving society that offers meaningful careers, enviable living standards, and long-term employability to every American.

Questions

We invite employers, employer associations, organized labor, educators and trainers, community organizations, parents, state and local governments, and all other interested individuals or organizations to respond to the following questions:

1. How have you used voluntary skill standards to improve, coordinate, and streamline education and training at the state and/or local levels? What lessons can you offer the NSSB based on these experiences?

2. What have been the challenges, opportunities and lessons you have learned about the *roles and responsibilities* of employers, organized labor, educators, workers, students, parents, public agencies and others? How can these groups best work together to support a voluntary skill standards system?

3. How can voluntary skill standards most effectively support states and local communities (including all partners in the private, public, and nonprofit sectors) in:

a. responding to the challenge of block grants,

b. coordinating and improving the following initiatives:

—One-stop career centers,
—Welfare-to-work programs,
—School-to-work programs,
—Job training and employment programs,
—Employment services,
—Literacy and basic skills programs,
—High school equivalency degree and alternative education programs, and/or
—Union and/or employer-sponsored training.

c. linking the state's academic requirements to the future skill needs of the economy?

4. How can voluntary skill standards most effectively support a strong role for industry in a national workforce development system?

5. How can voluntary skill standards help enhance a national workforce development system that improves services for individuals from all backgrounds, and enables them to transfer their skills across occupations, firms, industries, and across the country?

a. How do your activities fit into the national workforce development system?

b. What is the proper role for the NSSB within a workforce development system that prepares youth and adults for the challenges of continuously evolving workplaces?

c. What is your vision of an ideal national workforce development system and what are the critical elements of such a system?

Signed at Washington, D.C. this 4th day of June 1996.

Judy Gray,

Executive Director, National Skill Standards Board.

[FR Doc. 96–14603 Filed 6–7–96; 8:45 am]

BILLING CODE 4510–23–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–483

Union Electric Company, Callaway Plant, Unit 1; Consideration of Transfer of Control of Ownership of Licensee and Opportunity for Public Comment on Antitrust Issues

Notice is hereby given that the United States Nuclear Regulatory Commission (the Commission) is considering approval under 10 CFR 50.80 of the transfer of control of the license for the Callaway Plant, Unit 1, that would result from the consummation of the proposed merger agreement between Union Electric Company, the licensee for Callaway Plant, Unit 1, and CIPSCO Incorporated. By letter dated February 23, 1996, as supplemented by letter dated April 24, 1996, Union Electric

Company informed the Commission that Union Electric Company has entered into a merger agreement with CIPSCO Incorporated which provides for Union Electric Company to become a wholly-owned operating company of Ameren Corporation (''Ameren''), a registered public utility holding company under the Public Utility Holding Company Act of 1935, as amended. Callaway is a nuclear powered generating facility which is solely-owned and operated by Union Electric Company in accordance with the Facility Operating License No. NPF–30. As a result of the merger, the common shareholders of Union Electric Company and CIPSCO, immediately prior to the merger (except for the holders of Union Electric dissenting shares), will all be common shareholders of Ameren immediately upon the consummation of the merger. The merger will have no effect on the operation of Callaway or the provisions of its operating license. Union Electric Company will continue to own and operate Callaway after the merger, as required by the operating license.

Pursuant to 10 CFR 50.80, the Commission may approve the transfer of control of a license after notice to interested persons. Such approval is contingent upon the Commission's determination that the holder of the license following the transfer is qualified to hold the license and that the transfer is otherwise consistent with applicable provisions of law, regulations, and orders of the Commission.

By this notice, the Commission is seeking public comment on this proposed transfer of control of the license. Written comments may be submitted by mail to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this Federal Register notice. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555.

Antitrust Issues

Any person who wishes to submit comments or information relating to any antitrust issues believed to be raised by this transfer request should submit said comments or information within 30 days of the initial publication of this notice in the Federal Register to the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001 Attention: Chief, Generic Issues and Environmental Projects Branch, Office of Nuclear Reactor Regulation. The Director of the Office of Nuclear Reactor Regulation will issue a finding whether significant changes in the licensee's activities or proposed activities have occurred since the completion of the previous antitrust review.

Although the staff is providing the opportunity for comments concerning the competitive aspects of the proposed transfer, the staff notes that it is aware of and is closely following a related proceeding at the Federal Energy Regulatory Commission (FERC). The NRC will consider the FERC proceeding to the maximum extent possible in resolving issues brought before the NRC.

For further details with respect to this proposed action, see the application from Union Electric Company dated February 23, 1996, and supplemental letter dated April 24, 1996, which are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555, and at the local public document room located at the Callaway County Public Library, 710 Court Street, Fulton, Missouri 65251.

Dated at Rockville, Maryland, this 4th day of June 1996.

For the Nuclear Regulatory Commission.

Kristine M. Thomas,

Project Manager, Project Directorate IV–2, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 96–14558 Filed 6–7–96; 8:45 am]

BILLING CODE 7590–01–P

Application for a License To Export Heavy Water (D_2O)

Pursuant to 10 CFR 110.70(b) ''Public notice of receipt of an application'', please take notice that the Nuclear Regulatory Commission has received the following application for an export license. Copies of the application are on file in the Nuclear Regulatory Commission's Public Document Room located at 2120 L Street, N.W., Washington, D.C.

A request for a hearing or petition for leave to intervene may be filed within 30 days after publication of this notice in the Federal Register. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555; the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555; and the Executive Secretary, U.S. Department of State, Washington, D.C. 20520.

The information concerning the application follows.

NRC EXPORT LICENSE APPLICATION

Name of Applicant, Date of Application, Date Received, Application Number	Description of Material			
	Material type	Total qty	End use	Country
Cambridge Isotope Labs, April 19, 1996, April 25, 1996, XMAT0392.	Deuterium Oxide (D_2O) ''Heavy Water''.	22,500 Kgs	As a ''mud tracer'' in oil exploration.	United Arab Emirates.

Dated this 31st day of May 1996 at Rockville, Maryland.

For the Nuclear Regulatory Commission.

Ronald D. Hauber,

Director, Division of Nonproliferation, Exports and Multilateral Relations, Office of International Programs.

[FR Doc. 96–14559 Filed 6–7–96; 8:45 am]

BILLING CODE 7590–01–PM

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 22001; 812–10096]

Sierra Asset Management Trust, et al.; Notice of Application

June 3, 1996.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of Application for an Order under the Investment Company Act of 1940 (the ''Act'').

APPLICANTS: Sierra Asset Management Trust (the ''Trust''); Sierra Trust Funds (''Sierra Trust''); Sierra Investment Advisors Corporation (''SIAC''); and Sierra Investment Services Corporation (''SISC'').

RELEVANT ACT SECTIONS: Order requested under section 6(c) of the Act from

section 12(d)(1) of the Act and under sections 6(c) and 17(b) of the Act from section 17(a) of the Act.

SUMMARY OF APPLICATION: Applicants request an order that would permit the Trust to operate as a ''fund of funds.''

FILING DATE: The application was filed on April 24, 1996 and amended on May 30, 1996.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on June 27, 1996, and should be accompanied by proof of service on applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, NW., Washington, DC 20549. Applicants, 9301 Corbin Avenue, Northridge, California 91324.

FOR FURTHER INFORMATION CONTACT: Marianne H. Khawly, Staff Attorney, at (202) 942–0562, or Alison E. Baur, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the SEC's Public Reference Branch.

Applicants' Representations

1. The Trust is an open-end management investment company. The Trust's registration statement was filed on March 27, 1996, but has not yet been declared effective. The Trust will consist of five separate investment portfolios: Aggressive Growth, Growth, Balanced, Fixed, and Value (collectively, the ''SAM Funds''). Each SAM Fund will seek to provide diversification among major asset categories (*e.g.*, stocks, bonds, and cash equivalents) and stock and bond sub-categories (*e.g.*, large company stocks, small company stocks, and international stocks, corporate bonds and government mortgage securities). Certain of the SAM Funds will be designed to provide exposure to the growth potential of the stock market, while other SAM Funds will be designed to provide exposure to the income potential of the bond market. A defined range will be established for each asset category in each of the SAM Funds.

2. Applicants propose a fund of funds arrangement whereby each SAM Fund will invest in shares of the portfolios of Sierra Trust, a registered open-end management investment company comprised of sixteen portfolios (the ''Underlying Portfolios''). Any assets that are not invested in Underlying Portfolio shares will be invested directly in other types of instruments, including money-market instruments. Applicants request that any relief granted pursuant to the application also apply to any open-end management investment company that currently or in the future is part of the same ''group of investment companies,'' as defined in rule 11a–3 under the Act, as the Trust (collectively, the ''Sierra Funds'').[1]

3. In accordance with a written plan adopted pursuant to rule 18f–3 under the Act, the SAM Funds will offer two classes of shares, Class A shares and Class B shares. Class A shares will be subject to a maximum front-end sales charge ranging from 4.50% to 5.75%. Purchases of $1 million or more and certain other purchases are not subject to a front-end sales charge but may be subject to a 1.00% contingent deferred sales charge (''CDSC''). Class A shares also will be subject to a .25% rule 12b–1 fee. Class B shares may be subject to a CDSC and will be subject to a .75% rule 12b–1 fee and a .25% shareholder servicing fee.

4. The Underlying Portfolios are authorized to issue multiple classes of shares in accordance with a written plan adopted pursuant to rule 18f–3 under the Act. Applicants propose that the Underlying Portfolios will offer a new class of shares, Class I shares, to the SAM Funds. Initially, Class I shares will not be subject to any sales charges, rule 12b–1 fees, or shareholder servicing fees.

5. SISC is registered as a broker-dealer under the Securities Exchange Act of 1934 and as an investment adviser under the Investment Advisers Act of 1940 (the ''Advisers Act''). SISC also is a member of the National Association of Securities Dealers, Inc. (''NASD''). SISC serves as Sierra Trust's principal underwriter. In addition, SISC will serve as the SAM Funds' investment adviser and principal underwriter. SIAC, a registered investment adviser under the Advisers Act, serves as Sierra Trust's investment adviser. SISC and SIAC are wholly-owned subsidiaries of Sierra Capital Management Corporation (''Sierra Capital'').

6. SISC will charge the SAM Funds, and SIAC will charge the Underlying Portfolios, investment advisory fees. SIAC and SISC may, however, agree to waive all or a portion of the advisory fees at one or both levels. In addition, SIAC, SISC, their affiliates, and other service providers will charge the SAM Funds and Underlying Portfolios for all other operational services, including administration and custody fees.

Applicants' Legal Analysis

1. Applicants request an order under section 6(c) of the Act for an exemption from section 12(d)(1) of the Act and under sections 6(c) and 17(b) of the Act for an exemption from section 17(a) of the Act. The requested relief would permit the Trust to acquire up to 100% of the voting shares of any Underlying Portfolio.

2. Section 12(d)(1)(A) of the Act provides that no registered investment company may acquire securities of another investment company if such securities represent more than 3% of the acquired company's outstanding voting stock, more than 5% of the acquiring company's total assets, or if such securities, together with the securities of any other acquired investment companies, represent more than 10% of the acquiring company's total assets. Section 12(d)(1)(B) provides that no registered open-end investment company may sell its securities to another investment company if the sale will cause the acquiring company to own more than 3% of the acquired company's voting stock, or if the sale will cause more than 10% of the acquired company's voting stock to be owned by investment companies.

3. Section 6(c) of the Act provides that the SEC may exempt persons or transactions from any provision of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants request an order permitting the SAM Funds to acquire

[1] Rule 11a–3 under the Act defines ''group of investment companies'' as two or more companies that: (a) Hold themselves out to investors as related companies for purposes of investment and investor services; and (b) that have a common investment adviser or principal underwriter or the investment adviser or principal underwriter of one of the companies is an affiliated person, as defined in section 2(a)(3) of the Act, of the investment adviser or principal underwriter of each of the other companies. Although certain existing registered investment companies, or portfolios thereof, that are Sierra Funds do not presently intend to rely on the requested order, any such registered investment company, or portfolios thereof, would be covered by the order if they later proposed to enter into a fund of funds arrangement in accordance with the terms described in the application.

shares of the Underlying Portfolios in excess of the section 12(d)(1) limits.

4. The restrictions in section 12(d)(1) were intended to prevent certain abuses perceived to be associated with the pyramiding of investment companies, including: (a) Unnecessary duplication of costs, *e.g.*, sales loads, advisory fees, and administrative costs; (b) additional diversification without any clear benefit; (c) undue influence by the fund holding company over its underlying funds; (d) the threat of large scale redemptions of the securities of the underlying investment companies; and (e) unnecessary complexity. For the following reasons, applicants believe that the proposed arrangement will not create these dangers and, therefore, that the requested relief is appropriate.

5. Applicants assert that the proposed arrangement will not raise the fee layering concerns contemplated by section 12(d)(1). The proposed arrangement will not involve the layering of advisory fees since, before approving any advisory contract under section 15(a) of the Act, the board of trustees of the Trust, including a majority of the trustees who are not ''interested persons,'' as defined in section 2(a)(19) of the Act, will find that the advisory fees charged under the contract are based on services provided that are in addition to, rather than duplicative of, services provided under any Underlying Portfolio advisory contract. In addition, the proposed structure will not involve layering of sales charges. Any sales charges or service fees relating to the shares of a SAM Fund will not exceed the limits set forth in Article III, section 26 of the Rules of Fair Practice of the NASD when aggregated with any sales charges or service fees that the SAM Funds pay relating to Underlying Portfolio shares. The aggregate sales charges at both levels, therefore, will not exceed the limit that otherwise lawfully could be charged at any single level. Furthermore, applicants expect that administrative and other expenses will be reduced at both levels under the proposed arrangement.

6. Applicants state that the proposed arrangement will provide true diversification benefits. Each SAM Fund will pursue a different investment strategy by investing in Underlying Portfolios that also pursue distinct investment strategies. The proposed arrangement also will be structured to minimize undue influence concerns. The SAM Funds only will acquire shares of Underlying Portfolios that are Sierra Funds. Because SIAC serves as investment adviser to the Underlying Portfolios, and SISC, a company under common control with SIAC, will serve as investment adviser to the SAM Funds, a redemption from one Underlying Portfolio will simply lead to the investment of the proceeds in another Underlying Portfolio.

7. Applicants also state that the proposed arrangement, furthermore, will be structured to minimize large scale redemption concerns. The SAM Funds will be designed for long-term investors. This will reduce the possibility of the SAM Funds from being used as short-term trading vehicles and further protect the SAM Funds and the Underlying Portfolios from unexpected large redemptions. The proposed arrangement will not be unnecessarily complex. No Underlying Portfolio will acquire securities of any other investment company in excess of the limits contained in section 12(d)(1)(A) of the Act.

8. Section 17(a) of the Act makes it unlawful for an affiliated person of a registered investment company to sell securities to, or purchase securities from, the company. The SAM Funds and the Underlying Portfolios may be considered affiliated persons by virtue of being under common control of Sierra Capital. They may also be deemed to be affiliated persons of one another to the extent that each SAM Fund owns 5% or more of an Underlying Portfolio. Therefore, purchases by the SAM Funds of Underlying Portfolio shares and the sale by the Underlying Portfolios of their shares to the SAM Funds could be considered transactions prohibited by section 17(a).

9. Section 17(b) of the Act provides that the SEC shall exempt a proposed transaction from section 17(a) if evidence establishes that: (a) the terms of the proposed transaction are reasonable and fair and do not involve overreaching; (b) the proposed transaction is consistent with the policies of the registered investment company involved; and (c) the proposed transaction is consistent with the general provisions of the Act.

10. Applicants believe that the proposed transactions meet the standards of sections 6(c) and 17(b). The consideration paid for the sale and redemption of Underlying Portfolio shares will be based on the net asset value of the Underlying Portfolio, subject to applicable sales charges. The investment of assets of the SAM Funds in Underlying Portfolio shares and the issuance of Underlying Portfolio shares to the SAM Funds will be effected in accordance with the investment restrictions and policies of each SAM Fund as set forth in the registration statement of each SAM Fund. Applicants also believe that the proposed transactions are consistent with the general purposes of the Act.

Applicants' Conditions

Applicants agree that the order granting the requested relief shall be subject to the following conditions:

1. Each SAM Fund and each Underlying Portfolio will be part of the same ''group of investment companies,'' as defined in rule 11a–3 under the Act.

2. No Underlying Portfolio will acquire securities of any other investment company in excess of the limits contained in section 12(d)(1)(A) of the Act.

3. A majority of the trustees of the Trust will not be ''interested persons,'' as defined in section 2(a)(19) of the act.

4. Any sales charges or service fees charged to the shares of a SAM Fund, when aggregated with any sales charges or service fees paid by the SAM Fund relating to the securities of the Underlying Portfolios, shall not exceed the limits set forth in Article III, section 26, of the NASD's Rules of Fair Practice.

5. Before approving any advisory contract under section 15 of the Act, the board of trustees of the Trust, including a majority of the trustees who are not ''interested persons,'' as defined in section 2(a)(19), will find that advisory fees charged under the contract are based on services provided that are in addition to, rather than duplicative of, services provided under any Underlying Portfolio advisory contract. The finding, and the basis upon which the finding was made, will be recorded fully in the minute books of the Trust.

6. Applicants agree to provide the following information, in electronic format, to the Chief Financial Analyst of the SEC's Division of Investment Management: monthly average total assets of each SAM Fund and each Underlying Portfolio; monthly purchases and redemptions (other than by exchange) for each SAM Fund and each Underlying Portfolio; monthly exchanges into and out of teach SAM Fund and each Underlying Portfolio; month-end allocations of each SAM Fund's assets among the Underlying Portfolios; annual expense ratios for each SAM Fund and each Underlying Portfolio; and a description of any vote taken by the shareholders of any Underlying Portfolio, including a statement of the percentage of votes cast for and against the proposal by each SAM Fund and by the other shareholders of the Underlying Portfolio. The information will be provided as soon as reasonaby practicable following the Trust's fiscal year-end (unless the Chief Financial

Analyst shall notify applicants in writing that such information need no longer be submitted).

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 96–14497 Filed 6–7–96; 8:45 am]

BILLING CODE 8010–01–M

[Release No. 34–37273; File No. SR–NYSE–95–47]

Self-Regulatory Organizations; New York Stock Exchange, Inc.; Order Granting Approval to Proposed Rule Change Relating to the Exclusion of Competing Market Maker Orders From Trading at No Charge

June 4, 1996.

I. Introduction

On December 29, 1995, the New York Stock Exchange, Inc. (''NYSE'' or ''Exchange'') submitted to the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to exclude orders of nonmember competing market makers from the NYSE's no charge provision for system orders of 100 to 2,099 shares.

The proposed rule change was published for comment in the Federal Register on January 5, 1996.[3] The Commission initially received a total of four comment letters opposing the proposal.[4] On April 26, 1996, the NYSE submitted its response to these comment letters.[5] After receiving the NYSE's response, the Commission received four additional comment letters.[6] For the reasons discussed below, the Commission, after careful consideration, has decided to approve the NYSE's proposal.

II. Background and Description of the Proposal

A. Transaction Credits

On November 7, 1995, the NYSE, pursuant to Section 19(b)(3)(A) of the Act,[7] filed a rule change with the Commission that made a series of revisions to the Exchange's equity[8] transaction fee schedule, including the exclusion of nonmember competing market makers from the NYSE's no charge provision for system orders of 100 to 2,099 shares.[9] Prior to such filing, the NYSE's transaction fee schedule imposed on all public agency,[10] equity transactions the following charges:

$0.00265 per share for the first 5,000 shares;

$0.00010 per share for 5,001 to 672,500 shares; and no charge for all shares in excess of 672,500.

The NYSE's transaction fee schedule also provided for a credit of $0.30 per order for all orders of 100 to 2,099 shares that were placed through the NYSE's Common Message Switch (''CMS'')[11] and an additional credit of $1.30 for all Individual[12] or Agency[13] market orders of 100 to 2,099 shares placed through the NYSE's CMS. Orders executed by members and member organizations for the account of a competing market maker,[14] however, were not eligible for the additional system credit. This additional system credit was applied on a monthly basis against the member or member organization's total transaction charges.

B. Payment for Order Flow

On October 27, 1994, the Commission adopted Rule 11Ac1–3[15] and amendments to Rule 10b–10[16] under the Act concerning payment for order flow practices.[17] These provisions were designed to improve the information available to investors about their broker-dealer's order routing practices and disclose to investors whether the broker-dealer received market center[18] inducements for routing unspecified order flow to a particular market.[19] In defining payment for order flow, the Commission took a very broad approach so that all forms or arrangements whereby a broker-dealer received compensation for directing order flow to a particular market were included. Specifically, payment for order flow was designed to include any credit, rebate, or discount against execution fees that exceeds the fee charged for executing the order.[20] As a result, credits received by NYSE members under the NYSE's transaction fee schedule constituted

---

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 36658 (Dec. 29, 1995), 61 FR 436.

[4] *See* letter from John I. Fitzgerald, Executive Vice President, Legal Affairs and Trading Services, Boston Stock Exchange, Inc. (''BSE''), to Jonathan G. Katz, Secretary, SEC, dated February 21, 1996 (''BSE February 21, 1996 Letter''); letter from George T. Simon, Foley & Lardner, on behalf of the Chicago Stock Exchange, Incorporated (''CHX''), to Jonathan G. Katz, Secretary, SEC, dated March 4, 1996 (''CHX March 4, 1996 Letter''); letter from William W. Uchimoto, First Vice President and General Counsel, Philadelphia Stock Exchange, Inc. (''Phlx''), to Jonathan G. Katz, Secretary, SEC, dated February 23, 1996 (''Phlx February 23, 1996 Letter''); letter from David P. Semak, Vice President, Regulation, Pacific Stock Exchange Incorporate (''PSE''), to Jonathan G. Katz, Secretary, SEC, dated March 4, 1996 (''PSE March 4, 1996 Letter'').

[5] *See* letter from James E. Buck, Senior Vice President and Secretary, NYSE, to Jonathan Katz, Secretary, SEC, dated April 25, 1996 (''NYSE April 25, 1996 Letter''). Previously, the NYSE had granted the Commission an extension of 30 days after the date of the Commission's receipt of the Exchange's response within which to act on the NYSE's proposal. *See* letter from James E. Buck, Senior Vice President and Secretary, NYSE, to Glen Barrentine, SEC, dated March 13, 1996.

[6] *See* letter from George W. Mann, Jr., Senior Vice President and General Counsel, BSE, to Jonathan G. Katz, Secretary, SEC, dated April 23, 1996 (''BSE April 23, 1996 Letter''); letter from John I. Fitzgerald, Executive Vice President, Legal Affairs and Trading Services, BSE, to Jonathan G. Katz, Secretary, SEC, dated May 6, 1996 (''BSE May 6, 1996 Letter''); letter from J. Craig Long, Foley & Lardner, on behalf of the CHX, to Jonathan G. Katz, Secretary, SEC, dated May 6, 1996 (''CHX May 6, 1996 Letter''); letter from William W. Uchimoto, First Vice President and General Counsel, Phlx, to Jonathan G. Katz, Secretary, SEC, dated May 3, 1996 (''Phlx May 3, 1996 Letter'').

[7] 15 U.S.C. 78s(b)(3)(A). Pursuant to Section 19(b)(3)(A), a proposed rule change may take effect upon filing with the Commission if designated by the self-regulatory organization as, among other matters, establishing or changing a due, fee, or other charge imposed by the self-regulatory organization.

[8] The NYSE's transaction fee schedule defines the term ''equity'' to include shares, rights, and warrants.

[9] Securities Exchange Act Release No. 36465 (Nov. 8, 1995), 60 FR 57473 (publishing SR–NYSE–95–38.

[10] Equity public agency transaction fees and credits do not apply to principal transactions by NYSE members for their own accounts. *See* NYSE Transaction Fee Schedule n.1.

[11] The Common Message Switch is a data communications application that accommodates a wide variety of member firm computer and technical connections, enabling a member firm to send orders directly to the appropriate floor booth for execution by the firm's floor broker or by SuperDot to the appropriate specialist post. Accordingly, the NYSE's transaction fee schedule provided credits for SuperDot orders. *See* Securities Exchange Act Release No. 28655 (Nov. 29, 1990), 55 FR 50260, at n.1 (publishing SR–NYSE–90–54).

[12] An Individual order is an order for the account of any customer who is an individual as defined by NYSE Rule 80A. *See* Securities Exchange Act Release No. 29866 (Oct. 28, 1991), 56 FR 56432. That rule, in turn, cites Section 11(a)(1)(E) of the Act, which defines an individual investor as a natural person. *See* Securities Exchange Act Release No. 32377 (May 27, 1993), 58 FR 31568, at n.7 (approving NYSE's limitation on the additional system credit concerning nonmember competing market makers).

[13] An Agency order is an order for the account of any customer, other than a natural person, who is a nonmember of nonmember organization. *Id.* at n.8.

[14] The proposed rule change defines a competing market maker as ''a specialist or market maker registered as such on a registered stock exchange (other than the NYSE), or a market maker bidding and offering over-the-counter in a New York Stock Exchange-traded security.''

[15] 17 CFR 240.11Ac1–3.

[16] 17 CFR 240.10b–10.

[17] *See* Securities Exchange Act Release No. 34902 (Oct. 27, 1994), 59 FR 55006 [hereinafter Payment for Order Flow Release].

[18] *See* 17 CFR 240.11Ac1–2(a)(14) (defining ''reporting market center'').

[19] *See* Payment for Order Flow Release, *supra* note 17.

[20] *See* Payment for Order Flow Release, *supra* note 17.

payment for order flow where such credit exceeded the transaction charged associated with such order.[21] In response to these new disclosure requirements, the NYSE decided to revise its transaction fee schedule so that its members would not be required to comply with Rule 11Ac1–3[22] and Rule 10b–10[23] regarding disclosure of the receipt of payment for order flow.[24]

C. SR–NYSE–95–38

On November 7, 1995, the NYSE submitted a rule filing pursuant to Section 19(b)(3)(A) of the Act[25] that revised its equity transaction charges, effective January 2, 1996.[26] Among other things, this filing: (1) eliminated all SuperDot system credits, (2) reduced the equity transaction fees on orders for 5,000 shares and under from $0.00265 per share to $0.0019 per share,[27] (3) eliminated the equity transaction charges for SuperDot system orders of 100 to 2,099 shares, except for orders of competing market makers, and (4) capped monthly equity transaction fees at $400,000. The Commission published the notice of filing and immediate effectiveness of this rule change on November 8, 1995.[28] Subsequently, the Commission received three comment letters regarding this rule change.[29]

D. SR–NYSE–95–46

In response to these comment letters, the Commission requested that the NYSE withdraw that portion of the filing concerning the exclusion of competing market maker orders from the NYSE's no charge policy and resubmit it pursuant to Section 19(b)(1)[30] for notice and action pursuant to Section 19(b)(2).[31] This would provide sufficient time for the Commission to consider, and interested parties to comment on, that portion of the filing.[32] In complying with the Commission's request, on December 29, 1995, the NYSE submitted two related rule filings: SR–NYSE–95–46 and the current proposal, SR–NYSE–95–47.

In SR–NYSE–95–46, the NYSE revised its equity transaction charges, effective January 2, 1996,[33] to eliminate the exclusion of competing market maker orders from the no charge provision for SuperDot system orders of 100 to 2,099 shares. The Exchange, however, also reserved the right to collect, retroactive to January 2, 1996, the fees on such trading in the event the Commission approved SR–NYSE–95–47.[34] The Commission published the notice of filing and immediate effectiveness of this rule change on December 29, 1995.[35]

E. The Current Proposal

The Exchange now proposes to amend its fee schedule to re-institute the exclusion of competing market maker SuperDot system orders of 100 to 2,099 shares from the NYSE's no charge policy. This change, in effect, would impose a charge of $0.0019 per share on competing market maker SuperDot system orders of 100 to 2,099 shares and, furthermore, allow the Exchange to collect equity transaction charges on all such orders that have been executed on the NYSE since January 2, 1996.[36]

III. Summary of Comments

The Commission received a total of eight comment letters from the BSE, the CHX, the PHlx, and the PSE (collectively referred to herein as the ''commenters'') regarding the exclusion of competing market maker system orders from the Exchange's no charge provision.[37] In its response, the NYSE supports its proposal and responds to the first four comment letters.[38] The issues raised by the commenters are discussed below.

A. Equitable Allocation of a Reasonable Fee

The commenters believe that the proposal is inconsistent with Section 6(b)(4) of the Act[39] because it constitutes an inequitable allocation of fees[40] and further assert that the proposal is inconsistent with Section 6(b)(5)[41] because it unfairly discriminates among certain brokers, dealers, and customers,[42] as well as compromises the existence of a free and open market.[43]

To support its opposition to the proposal, the CHX explains that nonmember competing market makers do not receive any trading advantage on the NYSE Floor that justifies this disparate treatment, and that this proposal does not provide any benefit to

[21] For example, under the NYSE's transaction fee schedule, NYSE members and member organizations were receiving payment for order flow for certain system orders of 100 to 603 shares. For orders greater than 603 shares, the NYSE equity transaction charges exceeded the $1.60 credit granted.

[22] 17 CFR 240.11Ac1–3.

[23] 17 CFR 240.10b–10.

[24] On October 13, 1995, the Commission issued a letter to the Securities Industry Association granting all registered broker-dealers a temporary exemption from the confirmation disclosure requirements of Rule 10b–10(a)(2)(C) and a no-action position regarding the account opening provisions of Rule 11Ac1–3. This exemption and no-action position expired on November 5, 1995. Subsequently, the Commission issued another similar letter to the NYSE effective from November 6, 1995 to December 31, 1995. *See* letter from Brandon Becker, (then) Director, Division of Market Regulation, SEC, to Edward A. Kwalwasser, Group Executive Vice President, Regulation, NYSE, dated November 8, 1995.

[25] 15 U.S.C. 78s(b)(3)(A). *See supra* note 7 (detailing which rule filings may be submitted pursuant to this section for immediate effectiveness).

[26] Securities Exchange Act Release No. 36465 (Nov. 8, 1995), 60 FR 57473 (publishing the notice and immediate effectiveness of SR–NYSE–95–38).

[27] *See supra* note 10 (noting that the fees and credits concerning equity public agency transactions do not apply to principal transactions by members for their own accounts).

[28] Securities Exchange Act Release No. 36465 (Nov. 8, 1995), 60 FR 57473.

[29] *See* letter from Samuel F. Lek, Chief Executive Officer, Lek, Schoenau & Company, Inc., to Secretary, SEC, dated November 14, 1995 (opposing the monthly equity transaction fee cap); letter from William W. Uchimoto, First Vice President and General Counsel, Phlx, to Jonathan Katz, Secretary, SEC, dated November 27, 1995 (opposing the disparate treatment of competing market maker orders and requesting that the NYSE withdraw that portion of the filing and refile it for notice and action pursuant to Section 19(b)(2) of the Act); letter from David P. Semak, Vice President of Regulation, PSE, to Jonathan Katz, Secretary, SEC, dated December 7, 1995 (opposing the disparate treatment of competing market maker orders and requesting that the NYSE withdraw that portion of the filing and refile it for notice and action pursuant to section 19(b)(2) of the Act).

[30] 15 U.S.C. 78s(b)(1).

[31] 15 U.S.C. 78s(b)(2).

[32] Section 19(b)(2) requires that a notice be published in the Federal Register for the statutory comment period and provides that changes pursuant to this section are not effective until the Commission issues an approval order.

[33] This rule change became effective upon filing with the Commission pursuant to Section 19(b)(3)(A) of the Act.

[34] The effect of this rule change was to require members and member organizations to report competing market maker system orders of 100 to 2,099 shares to the Exchange. The amount of fees due would be $0.0019 per share for all such competing market maker orders executed by NYSE members on the Exchange from January 2, 1996 to the present.

[35] Securities Exchange Act Release No. 36659 (Dec. 29, 1995), 61 FR 432.

[36] Currently, the NYSE waives the equity transaction fees for all SuperDot system orders of 100 to 2,099 shares.

[37] *See supra* notes 4 and 6.

[38] *See supra* note 5.

[39] 15 U.S.C. 78f(b)(4). Section 6(b)(4) requires that the rules of an exchange provide for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities.

[40] *See* BSE February 21, 1996 Letter, *supra* note 4; PSE March 4, 1996 Letter, *supra* note 4.

[41] 15 U.S.C. 78f(b)(5). Among other things, Section 6(b)(5) requires that the rules of an exchange be designed to promote just and equitable principles of trade, to perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Section 6(b)(5) also requires that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

[42] *See* BSE February 21, 1996 Letter, *supra* note 4; BSE April 23, 1996 Letter, *supra* note 6; CHX March 4, 1996 Letter, *supra* note 4; Phlx February 23, 1996 Letter, *supra* note 4; PSE March 4, 1996 Letter, *supra* note 4.

[43] *See* BSE February 21, 1996 Letter, *supra* note 4.

the public.[44] Therefore, the CHX argues, there is no valid justification or legally sufficient rational basis why nonmember competing market makers should pay more than all other nonmembers for such orders.[45]

Separately, the Phlx contends that competing market makers will be required to subsidize all of the NYSE's other system orders of this size and, therefore, this fee should be cost based.[46]

In its response, the NYSE charges that the commenters fundamentally misread the provisions of the Act dealing with competition in the national market system (''NMS''). The NYSE argues that the proposal does not constitute either an inequitable allocation of fees or unfair discrimination among brokers and dealers because the affected parties are in direct competition with each other. This competition, the Exchange asserts, justifies the disparate treatment in this instance because to require otherwise would obligate the NYSE to subsidize its competitors.

The CHX characterizes the NYSE's logic as specious. The CHX asserts that the proposal does not achieve one of its stated purposes, to avoid subsidizing the NYSE's competitors, because proprietary orders of regional exchange specialists and third market makers that are affiliated with a NYSE member are included in the NYSE's no charge policy. Therefore, the CHX argues that the NYSE's justification is inadequate because the proposal does subsidize some NYSE competitors.[47]

B. Burden on Competition

The commenters also argue that the proposal is inconsistent with Section 6(b)(8)[48] and Section 11A(a)(1)(C)[49] of the Act because it raises the costs of competing market makers without sufficient justification and, therefore, places an unnecessary and inappropriate burden on competition.[50] The commenters contend that raising the costs of competing market makers in this case will harm the depth and liquidity of the market.[51] One commenter also believes that it will reduce price improvement opportunities, impair the ability of competing market makers to perform their required market making functions, and, in general, disrupt the equilibrium of the NMS.[52]

Several commenters also claim the impetus for this filing is similar to a prior American Stock Exchange, Inc. (''Amex'') competing dealer rule proposal that was eventually withdrawn. In analogizing the NYSE proposal to the prior Amex proposal, the commenters claim the NYSE is seeking to implement rules that disadvantage its competition for purely competitive reasons.[53]

The NYSE argues that the proposal does not impose an inappropriate burden on competition because competing market makers already have cost-free access to the NYSE through the Intermarket Trading System (''ITS'').[54] The NYSE characterizes ITS as a carefully-constructed[55] market linkage that has evolved over the past twenty years to successfully balance the goals enumerated in Section 11A(a)(1)(D) of the Act.[56]

By utilizing ITS, the NYSE explains, competing market makers still can lay off their excess positions and interact with trading interest on the NYSE. In support of this argument, the NYSE states that the commenters' ITS commitments executed on the Exchange during the first three months of 1996 accounted for over twenty-one percent of the total share volume reported by the commenters during this time period.

As further support that the filing does not impose an inappropriate burden on competition, the NYSE notes that this proposal seeks to maintain the prior relationship between member proprietary and nonmember competing market maker activities in Exchange-listed securities.[57] The Exchange asserts that although the proposal replaces the credit system with a discount system, it maintains the status quo because the economic effect is unchanged.

Finally, the NYSE argues that the proposed fee for competing market maker orders is lower than the fee structure previously in effect and, therefore, does not impose an inappropriate burden on competition. The NYSE emphasizes that the proposal lowers the fee charged from $0.00265 per share to $0.0019 per share[58] and, in any event, the amount charged is nominal.[59]

---

[44] *See* CHX March 4, 1996 Letter, *supra* note 4.

[45] *See* CHX March 4, 1996 Letter, *supra* note 4.

[46] *SEE* Phlx February 23, 1996 Letter, *supra* note 4.

[47] *See* CHX May 6, 1996 Letter, *supra* note 6.

[48] *See* BSE February 21, 1996 Letter, *supra* note 4; BSE April 23, 1996 Letter, *supra* note 6; CHX March 4, 1996 Letter, *supra* note 4; CHX May 6, 1996 Letter, *supra* note 6; Phlx February 23, 1996 Letter, *supra* note 4; PSE March 4, 1996 Letter, *supra* note 4.

[49] *See* BSE February 21, 1996 Letter, *supra* note 4; BSE April 23, 1996 Letter, *supra* note 6; PSE March 4, 1996 Letter, *supra* note 4.

[50] *See* 15 U.S.C. 78f(b)(8) and 78k–1(a)(1)(C). Section 6(b)(8) prohibits the rules of a national securities exchange from imposing any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. In Section 11A(a)(1)(C), Congress found that, among other things, it is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to ensure fair competition among brokers and dealers, among exchange markets, and between exchange markets and markets other than exchange markets.

[51] *See* CHX March 4, 1996 Letter, *supra* note 4; PSE March 4, 1996 Letter, *supra* note 4.

[52] *See* PSE March 4, 1996 Letter, *supra* note 4.

[53] *See* BSE February 21, 1996 Letter, *supra* note 4; CHX March 4, 1996 Letter, *supra* note 4; Phlx February 23, 1996 Letter, *supra* note 4; Phlx May 3, 1996 Letter, *supra* note 6. In its competing dealer filing, the Amex proposed that orders for a competing dealer would: (1) yield priority and parity to all other off-floor orders, (2) accept parity with orders for an account of an Amex specialist, and (3) be excluded from the Amex's order routing system, the Post Execution Reporting System (''PER''). The Amex subsequently amended this proposal in December 1991, among other things, to: (1) provide that orders for the account of a competing dealer that better the existing market do not have to yield priority and parity to off-floor orders, (2) withdraw the portion of the proposal that would have placed orders for the account of a competing dealer on parity with orders for the account of an Amex specialist, and (3) request that the Commission temporarily defer its consideration of the proposed prohibition of competing dealer access to PER. *See* Securities Exchange Act Release No. 30161 (Jan. 7, 1992), 57 FR 1502 (File No. SR–Amex–90–29). The Amex thereafter withdrew this filing at the request of Commission staff. *See* Division of Market Regulation, SEC, Market 2000, An Examination of Current Equity Market Developments Study III–11 (Jan. 1994) [hereinafter Market 2000] (recommending that the Amex amend or withdraw SR–Amex–90–29).

[54] ITS provides facilities and procedures for: (1) the display of composite quotation information at each participant market so that brokers can readily determine the best available price for a particular security, (2) the execution of orders between broker-dealers at respective ITS market centers, and (3) the coordination of market openings among the linked markets.

Brokers may execute orders in other ITS market centers by entering a ''commitment to trade'' into their ITS computer terminal. Currently, the Amex, the BSE, the Chicago Board Options Exchange, Incorporated, the CHX, The Cincinnati Stock Exchange, the National Association of Securities Dealers, Inc., the NYSE, the Phlx, and the PSE are all ITS participants. *See* Market 2000, *supra* note 53, at Appendix II (providing the history of ITS).

[55] The NYSE notes that, in addition to itself and other markets, all of the commenters were involved in the development of ITS and that this development was supervised by the Commission. *See also* Market 2000, *supra* note 53, at Appendix II.

[56] 15 U.S.C. 78k–1(a)(1)(D) (finding that the linking of all markets will foster efficiency, enhance competition, increase the information available to brokers, dealers, and investors, facilitate the offsetting of investors' orders, and contribute to the best execution of such orders).

[57] According to the prior fee schedule, neither order type was eligible for the NYSE's additional system credit. *See supra* note 10.

[58] Without adjusting for the lost system credit, the NYSE represents this as a reduction of 28%. *See* NYSE April 25, 1996 Letter, *supra* note 5.

[59] The greatest differential exists between a nonmember competing market maker system order of 2,099 shares and another system order of 2,099 shares that qualifies for the NYSE's no charge policy. Under these circumstances, the competing market maker order would incur a charge of $3.99 (2,099 shares * $0.0019 per share), while the other order would incur no fees at all. In underscoring its argument that this fee is nominal, the NYSE points out that for a $30 stock the $3.99 fee would

In commenting further on the proposal, the BSE, the CHX, and the Phlx refute the NYSE's claim that ITS provides adequate access to the NYSE's market.[60] They claim that ITS is too limited in its capabilities. The CHX adds that its specialists choose to ignore free ITS access and pay for access to the NYSE's SuperDot system simply because SuperDot is better;[61] while the BSE asserts that its specialists are forced to use SuperDot because ITS commitments do not have the same status as orders on the NYSE and do not have any standing in the trading crowd.[62]

C. Proposed Order Handling Rules[63]

Finally, the BSE urges the Commission to consider the possible impact this proposal will have in conjunction with the Commission's ''Proposed Limit Order Rule''[64] and ''Proposed Price Improvement Rule.''[65] The BSE is concerned that a NYSE specialist availing itself of the proposed rules' exceptions concerning the immediate delivery of an Order to another market maker or system would be charged a different fee than a BSE specialist doing likewise.

The NYSE did not address this issue in its response.

D. Antitrust Considerations[66]

The Phlx also requests the Commission to consider the possible antitrust implications this proposal presents.[67] The Phlx contends that the NYSE enjoys a ''strategic dominance'' and that the antitrust law's ''essential facility'' doctrine is germane to the Commission's analysis of this proposal. In support of this argument, the Phlx claims the proposal effectively and inappropriately excludes competing market makers equal access to the primary market simply because they are competitors.

The NYSE disputes the Phlx's premise that the NYSE is an essential facility. The NYSE supports its position by asserting that: (1) the NYSE is not a monopoly (as evidenced by the existence of multiple other securities markets in the United States) and (2) competing market makers will continue to have two forms of access to the NYSE's market—''one free and another at near-zero price.''[68]

IV. Discussion

Under Section 19(b)(2) of the Act,[69] the Commission must approve the NYSE's proposed rule change if it finds that the proposed rule change is consistent with the requirements of the Act and the rules thereunder applicable to a national securities exchange. If the Commission is unable to make that finding, it must institute proceedings to consider whether to disapprove the proposed rule change.

The statutory requirements relevant to such a determination are found, for the most part, in Section 6(b) of the Act.[70] That section delineates the purposes the NYSE's rules should be designed to achieve. Those purposes or objectives, which take the form of positive goals, such as investor protection, or prohibitions, such as those against unfair discrimination or inappropriate burdens on competition, are stated in the form of broad and elastic concepts. They afford the Commission considerable discretion to use its judgment and knowledge in determining whether a proposed rule complies with the requirements of the Act.[71] Furthermore, the subsections of Section 6(b)[72] must be read with reference to one another and to other provisions of the Act.[73] Within this legal framework, the Commission must weigh and balance the strengths and weaknesses of a proposed rule, assess the views and arguments of others, and make predictive judgments about the consequences of approving the proposed rule.[74]

With this in mind, and after careful consideration of all of the comments received, the Commission has determined to approve the proposed rule change. For the reasons discussed below, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.

In particular, the Commission finds that the proposal is consistent with the Section 6(b)(4) requirement that the rules of an exchange provide for the equitable allocation of reasonable fees among its members;[75] the Section 6(b)(5)[76] requirements that the rules of an exchange be designed to perfect the national market system, and, in general, to protect investors and the public interest; and not designed to permit unfair discrimination between brokers, dealers, and customers; as well as the Section 6(b)(8)[77] requirement that the rules of an exchange not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

A. The Proposal

The NYSE's original proposal, SR–NYSE–95–38, instituted a discount fee system that excluded orders of nonmember competing market makers from the NYSE's no charge provision for system orders of 100 to 2,099 shares. Instead, these orders would have been subject to a fee of $0.0019 per share.

This modified the NYSE's previous system—a credit fee system. The credit system imposed a charge of $0.00265 per share for the first 5,000 shares on all equity public agency transactions.[78] If such an order was for 100 to 2,099 shares and was placed through the NYSE's CMS, it earned the NYSE member a credit of $0.30 per order. If this also was an Individual or Agency market order, the NYSE member was granted an additional credit of $1.30.[79] Orders executed by members and member organizations for the account of

represent .006% of the $62,970 value of the trade. *See* NYSE April 25, 1996 Letter, *supra* note 5.

[60] *See* BSE May 6, 1996 Letter, *supra* note 6; CHX May 6, 1996 Letter, *supra* note 6; Phlx May 3, 1996 Letter, *supra* note 6.

[61] *See* CHX May 6, 1996 Letter, *supra* note 6.

[62] *See* BSE May 6, 1996 Letter, *supra* note 6.

[63] On October 10, 1995, the Commission proposed two rules and amendments to a rule to improve the handling and execution of customer orders. The Proposed Limit Order Rule, Proposed Rule 11Ac1–4, would require covered market makers to immediately reflect in their bid or offer the price and size of each customer limit order they hold in a covered security at a price that would improve their bid or offer in the security unless an exception applies. The Proposed Price Improvement Rule, Proposed Rule 11Ac1–5, would require each specialist or OTC market maker in a covered security that accepts a customer market order to provide that order with an opportunity for price improvement unless an exception applies. Both of these rules contain an exception for orders that are delivered immediately to a market maker or system that complies with the requirements of the applicable rule with respect to that order. *See* Securities Exchange Act Release No. 36310 (Oct. 10, 1995), 60 FR 52792 (publishing File No. S7–30–95 for comment); Proposed 11Ac1–4(c)(5); Proposed 11Ac1–5(e)(4).

[64] *See* BSE February 21, 1996 Letter, *supra* note 4.

[65] *See* BSE April 23, 1996 Letter, *supra* note 6.

[66] *See infra* notes 101, 102 (discussing the applicability of the antitrust laws and the essential facility doctrine).

[67] *See* Phlx February 23, 1996 Letter, *supra* note 4.

[68] *See* NYSE April 25, 1996 Letter, *supra* note 5.

[69] 15 U.S.C. 78s(b)(2).

[70] 15 U.S.C. 78f(b).

[71] *Bradford National Clearing Corp.* v. *Securities and Exchange Commission,* 590 F.2d 1085 (D.C. Cir. 1978).

[72] 15 U.S.C. 78f(b).

[73] *See* Securities Exchange Act Release No. 17371 (Dec. 12, 1980), 45 FR 83707, 83715–19 (interpreting identical provisions of Section 15A(b)).

[74] *Id.*

[75] 15 U.S.C. 78f(b)(4).

[76] 15 U.S.C. 78f(b)(5).

[77] 15 U.S.C. 78f(b)(8).

[78] *See supra* note 10 (noting that the fees and credits concerning equity public agency transactions do not apply to principal transactions by members for their own accounts).

[79] *See supra* notes 12 and 13 (defining Individual and Agency orders).

a competing market maker, however, were not eligible for the additional system credit.

Prior to the effective date of the discount system, the NYSE suspended the effectiveness of the exclusion concerning competing market maker orders.[80] Publication of the exclusion for public comment provided additional time for the Commission to consider, and interested parties to comment on, that portion of the filing. With this filing, the NYSE seeks approval to implement the discount system as originally filed.

B. Section 6(b)(4)[81]

Several commenters have argued that the proposal violates section 6(b)(4).[82] The Commission disagrees and finds that the proposal constitutes an equitable allocation of a reasonable fee.

The Commission believes the proposed fee is reasonable because it generally is a fee reduction. The Commission notes that the NTSE's new discount system generally grants competing market maker orders a cost savings over the prior credit system.[83] The Commission believes the fee is an equitable allocation within the meaning of Section 6(b)(4) because, although the fee distinguishes between the orders of nonmember competing market makers and all other orders executed on the NYSE, it does not do so in a manner that imposes a significant cost burden on the nonmember competing market maker orders. In addition, the Commission is unable to conclude that the fee is not reasonable because nonmember competing market makers will be able to continue the same level of trading activity on the NYSE as before this fee was implemented, except that it now will be at a lower cost.

The following illustrates this fact:

Shares	Credit System	Discount System	Savings
100	$(0.04)	$0.19	$−0.23
400	0.76	0.76	0.00
500	1.03	0.95	0.08
1,000	2.35	1.90	0.45
1,500	3.68	2.85	0.83
2,099	5.26	3.99	1.27

The Commission emphasizes, however, that whether a proposed fee can be deemed an equitable allocation of a reasonable fee depends on the facts and circumstances under which the proposal is being made. In evaluating such a proposal, the Commission necessarily would weigh and balance all of the relevant factors. These may include, among others, whether the proposed fee is an increase or a decrease, who is subject to the fee, the basis for any classification being drawn, the potential impact on competition, and how any disparate treatment will impact the goals of the Act.[84]

C. Section 6(b)(5)[85] *and Section 6(b)(8)*[86]

The commenters also argue that it is inappropriate for the NYSE to exclude competing market maker orders from the NYSE's no charge policy because it will deny the Exchange's competitors effective access to the NYSE's market, harm the depth and liquidity of the market, disrupt the balance of competition in the NMS, and hamper competing market makers' ability to compete.

1. National Market System

The commenters allege that ITS, although providing them with free access to the NYSE, is not an effective substitute for access to SuperDot. In evaluating the role of ITS in the NMS, the Commission recognizes that the design of ITS is limited in scope. ITS is not a complete intermarket linkage.[87] ITS does not provide order-by-order routing of customer orders, a consolidated limit order book, or automated or default based execution systems; it does not guarantee price and time priority. Rather, ITS utilizes communications and technological components of other NMS facilities so that trading interest in various market centers can be identified and accessed. It also provides uniform trading rules governing transactions in exchange-listed securities.[88] These functionalities benefit the markets, broker-dealers, and investors by reducing fragmentation, increasing opportunities to secure the best execution of customer orders, ensuring effective competition among qualified markets, and, in general, furthering the purposes of the NMS established by Congress in Section 11A of the Act.[89]

ITS provides an avenue for competing market makers to lay off their excess positions and interact with trading interest on the NYSE, fee-free. The Commission believes that ITS will continue to provide an alternative means by which competing market makers can access the NYSE. In addition, competing market makers will continue to have access to the NYSE through SuperDot.

Because access to the NYSE will not be more restrictive under the proposed rule change, and because competing market makers can avail themselves of ITS, the Commission does not believe the proposal will harm the depth and liquidity of the market. Moreover, the Commission notes that the depth and liquidity of any particular security is dependent on numerous variables, such as the degree of customer buying and selling interest in the security and the quality and capitalization of the issuer.[90] Hence, the Commission believes it is unlikely that the cost imposed on competing market makers under the NYSE fee schedule will have

[80] *See* (publishing the notice and immediate effectiveness of SR–NYSE–95–46).

[81] *See surpa* note 39 (listing the requirements of Section 6(b)(4)).

[82] 15 U.S.C. 78f(b)(4).

[83] Under most circumstances, the fee imposed on competing market maker orders has been reduced.

[84] Of course, any fee proposal must be found to meet all applicable statutory standards.

[85] *See supra* note 41 (listing the requirements of Section 6(b)(5)).

[86] *See supra* note 50 (listing the requirements of Section 6(b)(8)).

[87] *See* Market 2000, *supra* note 53, at Appendix II–12. The Commission previously has encouraged all ITS participants to continue to improve the system.

[88] *See* 15 U.S.C. 78k–1(a)(1)(D) (finding that the linkage of all markets will foster efficiency, enhance competition, increase the information available to brokers, dealers, and investors, facilitate the offsetting of investors' orders, and contribute to the best execution of such orders).

[89] *See* Market 2000, *supra* note 53, at Appendix II–11.

[90] *See* Market 2000 *supra* note 53, at Study II 8–10 (discussing quote competition between the regional exchanges and the NYSE). *See also* Market 2000, *supra* note 53, at Study II–8 (finding that in 1992 over 92% of the regional exchanges' volume derived from issues traded pursuant to unlisted trading privileges, rather than in issues where the regional exchanges are the primary market).

a significant impact on the willingness of these market makers to contribute to the depth and liquidity of NYSE listed securities.

2. Disparate Treatment of Competing Market Maker Orders [91]

In determining that disparate treatment of competing market makers is not inconsistent with the Act in this instance, the Commission believes three aspects of the proposal are particularly significant. First, the new fee schedule generally represents a fee reduction. Second, the NYSE is attempting to maintain the status quo that existed under the previous fee structure. Third, the parties are competitors in the NMS.

First, as noted previously, this proposal generally reduces the fee heretofore imposed on competing market maker orders.[92] The Commission is unable to conclude that reducing competing market makers' fees on most of their SuperDot system orders will have a significant, negative impact on the competitors' ability to perform their market making functions.

Second, the Commission has due regard for the NYSE's proffered intent to maintain the status quo. The Exchange decided to change from a credit system to a discount system in response to the Commission's regulatory initiatives addressing the practice of payment for order flow, and the NYSE has stated that excluding orders of competing market makers from its no charge policy is intended ''to maintain the current relationship between member proprietary and nonmember market maker activities in Exchange-listed securities.'' [93] Orders of competing market makers were not entitled to the same fee treatment as other orders in the prior fee schedule. This proposal does not alter this result.[94]

Finally, the Commission does not believe that this fee change imposes an unnecessary burden on competition. Fair competition in the NMS does not require free access in all instances to a competitor's systems.[95] Fair competition must take into consideration all of the relevant facts and circumstances. To find otherwise would negate the benefits of belonging to a membership organization. Also, it is important to note that membership carries with it certain duties, responsibilities, and costs not applicable to nonmembers.[96] Thus, in the circumstances presented by this filing, it is not inconsistent with fair competition for the NYSE to charge competing market maker orders a reasonable fee when utilizing systems whose development has been financed by NYSE members.

For all of the above reasons, the Commission finds that the NYSE proposal is consistent with Section 6(b)(5) [97] and Section 6(b)(8) [98] of the Act.

D. Proposed Order Handling Rules [99]

The BSE is concerned that BSE specialists availing themselves of exceptions in the Proposed Limit Order Rule and in the Proposed Price Improvement Rule concerning the immediate delivery of an order to a market maker or system complying with the applicable rule would be charged a different fee than a NYSE member complying with the same exception.[100]

The BSE's comments in this connection are premature inasmuch as the Commission has not taken final action on the proposed rules referred to by the BSE. The Commission notes, however, that the Proposed Limit Order Rule would allow a specialist or market maker to display the limit order in its own quote; execute the limit order; or send the order to another market maker or system that would display the order in conformity with the rule. Thus, a competing market maker would have two alternatives to sending the order to another market or system. Similarly, the Proposed Price Improvement Rule provides market makers with an alternative to sending their orders to another market center.

E. Antitrust Law's Essential Facility Doctrine [101]

The Phlx urges the Commission to apply the antitrust law's essential facility doctrine because, in the Phlx's opinion, the NYSE is an essential facility.[102] The Commission declines to do so in this case because, as noted previously, the NYSE is not denying the use of its facilities to its competitors.[103] Competing market makers still have two forms of access to the NYSE—one free (ITS) and the order at a reduced rate (SuperDot).

In addition, the Commission notes the competitive environment in which

[91] The Commission does not intend this proposal to establish a precedent to permit a primary market to make distinctions in the treatment of orders on its Floor as a means to discriminate unfairly against its competitors. Orders for the account of nonmember competing market makers will continue to be treated in the same way as other Agency orders. *See supra* note 13 (defining Agency order). For example, the proposal does not effect any change in routing to the NYSE market; in the priority such orders receive on the Floor; or in surveillance by the NYSE. Therefore, this proposal is distinguishable from the one proposed by the Amex in SR–Amex–90–29. *See* Securities Exchange Act Release No. 32377 (May 27, 1993), 58 FR 31568 (utilizing similar reasons for distinguishing SR–Amex–90–29 from the NYSE's limitation of its additional system credit).

[92] *See supra* note 83.

[93] *See* NYSE April 25, 1996 Letter, *supra* note 5.

[94] Given that the fee imposed on competing market maker orders is being reduced from its prior level in most instances, the Commission does not believe that a predatory motive is the impetus for this filing. *Contra* Phlx February 23, 1996 Letter, *supra* note 4.

[95] This is especially true in light of the fact that other means of access to the NYSE market exist.

[96] *See* Securities Exchange Act Release No. 32377 (May 27, 1993), 58 FR 31568 (noting that the NYSE Specialist System Charge was used to partially fund the NYSE's credit system).

[97] 15 U.S.C. 78f(b)(5).

[98] 15 U.S.C. 78f(b)(8).

[99] *See supra* note 63 (describing the Commission's proposed order handling rules).

[100] The fifth exception to the Proposed Limit Order Rule applies to any customer limit order ''that is delivered immediately to an exchange or association sponsored system that displays limit orders and complies with the requirements of [the Proposed Limit Order Rule] with respect to that order.'' The fourth exception to the Proposed Price Improvement Rule applies to any customer market order ''that is delivered immediately to another specialist or OTC market maker that complies with the display requirements of [the Proposed Price Improvement Rule] with respect to that order.'' *See* Securities Exchange Act Release No. 36310 (Oct. 10, 1995), 60 FR 52792 (publishing File No. S7–30–95 for comment).

[101] In *Silver* v. *New York Stock Exchange*, the Supreme Court ruled that certain instances of self-regulation that fall within the scope and purposes of the Act could protect an exchange against an antitrust claim. *Silver*, 373 U.S. 341, 360–61 (1963). In *Thill Securities Corporation* v. *New York Stock Exchange*, the U.S. Court of Appeals for the Seventh Circuit interpreted this ruling to allow the securities laws to act as an implied repealer of the antitrust laws, but only to the minimum extent necessary to make the securities laws work. *Thill*, 433 F.2d 264, 268 (7th Cir. 1970), *cert. denied*, 401 U.S. 994 (1971). In determining when such antitrust immunity is applicable, one court explained, ''Where the concededly self-regulatory rule or practice complained of is within the explicit mandate of the Exchange Act and also is actively reviewed by the Commission, that body may and appropriately should itself consider the policies of both the antitrust and the securities laws.'' *Jacobi* v. *Bache & Co., Inc.*, 377 F. Supp. 86, 92 (S.D.N.Y. 1974), *aff'd*, 520 F.2d 1231 (2d Cir. 1975), *cert. denied*, 423 U.S. 1053 (1976).

[102] The essential facility doctrine, also called the ''bottleneck principle,'' requires the owner of a facility that cannot practicably be duplicated by would-be competitors to share this facility on fair terms. *Hecht* v. *Pro-Football, Inc.*, 570 F.2d 982, 992 (D.C. Cir. 1977), *cert. denied*, 436 U.S. 956 (1978). In determining if a facility is ''essential'' under the Sherman Act, courts look to whether ''duplication of the facility would be economically infeasible'' and if ''denial of its use inflicts a severe handicap on potential [or current] market entrants.'' *Twin Laboratories, Inc.* v. *Weider Health & Fitness*, 900 F. 2d 566, 568–69 (2d Cir. 1990) (citing *Hecht*); *MCI Communications Corp.* v. *American Telephone & Telegraph Co.*, 708 F.2d 1081, 1132–33 (7th Cir.) (requiring ''(1) control of the essential facility by a monopolist; (2) a competitor's inability practically or reasonably to duplicate the essential facility; (3) the denial of the use of the facility to a competitor; and (4) the feasibility of providing the facility''), *cert. denied*, 464 U.S. 891 (1983).

[103] In finding that the NYSE is not denying the use of its facilities to its competitors, the Commission does not reach the issue of whether the NYSE is, in fact, an essential facility.

today's market makers operate.[104] For example, the NYSE faces significant competition for orders in NYSE stocks from the regional stock exchanges,[105] third market makers,[106] proprietary trading systems (''PTSs''),[107] and foreign markets.[108] Modern technology has facilitated this competition and should continue to do so in the future.[109]

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[110] that the proposed rule change (SR–NYSE–95–47) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[111]

Margaret H. McFarland

Deputy Secretary

[FR Doc. 96–14590 Filed 6–7–96; 8:45 am]

BILLING CODE 8010–01–M

[104] *See* Market 2000, *supra* note 53, at 6–12 (providing an overview of the intense competition that exists in the U.S. equity market); Market 2000, *supra* note 53, at Exhibit 18 (charting the NYSE's percentage of Consolidated Tape trades in NYSE stocks from 1976 to 1992).

[105] The regional stock exchanges captured 20% of the orders in NYSE stocks during the first six months of 1993. Market 2000, *supra* note 53, at 8.

[106] OTC trading of exchange-listed securities is commonly known as the ''third market.'' In 1989, the third market garnered 3.2% of reported NYSE share volume and 5% of reported trade volume. By 1993, third market volume had more than doubled to 7.4% of reported NYSE reported share volume and 9.3% of reported trade volume. Market 2000, *supra* note 53, at 9.

[107] A PTS is a type of automated trading system that typically is a screen-based system sponsored by broker-dealers. PTSs are not operated as or affiliated with self-regulatory organizations but instead are operated as independent businesses. Participation in these systems may be limited to institutional investors, broker-dealers, specialists, and other market professionals.

Although most PTS volume is in Nasdaq securities, PTSs handled about 1.4% of the volume in NYSE stocks in the first six months of 1993. Market 2000, *supra* note 53, at 8, Study II 12–13.

[108] Although exact numbers are not available, the Commission estimates that foreign market trading in NYSE stocks amounts to approximately seven million shares per day. *See* Market 2000, *supra* note 53, at 10–11.

[109] *See* Market 2000, *supra* note 53, at 8–10 (noting that automated systems allow the regional stock exchanges, third market makers, and PTSs to compete for order flow with the primary markets).

[110] 15 U.S.C. 78s(b)(2).

[111] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Pubic Notice No. 2399]

Notice of Briefing

The Department of State announces the second 1996 briefing on U.S. foreign policy economic sanctions programs to be held on Thursday, July 11, 1995, from 2:00 p.m. until 3:30 p.m., in the State Department Loy Henderson auditorium, 2201 C Street NW., Washington, D.C.

This briefing, a follow-on session to the March 6 briefing hosted by Under Secretary for Economic, Business and Agricultural Affairs Joan Spero, will be hosted by Ambassador Bill Ramsay, Deputy Assistant Secretary for Energy Sanctions and Commodities, who will present an overview of the sanctions regimes overseen by the State Department's Bureau of Economic and Business Affairs. State Department desk officers will be on hand to discuss country-specific sanctions issues following Mr. Ramsay's briefing.

Please Note: Persons intending to attend the July 11 briefing must announce this not later than 48 hours before the briefing, and preferably further in advance, to the Department of State by sending a fax to 202–647–3953 (Office of the Coordinator for Business Affairs). The announcement must include name, company or association name, Social Security or passport number and date of birth. The above includes government and non-government attendees. One of the following valid photo ID's will be required for admittance: U.S. driver's license with picture, passport, U.S. government ID (company ID's are no longer accepted by Diplomatic Security). Enter from the C Street Main Lobby.

Dated: May 22, 1996.

David A. Ruth,

Senior Coordinator for Business Affairs.

[FR Doc. 96–14011 Filed 6–7–96; 8:45 am]

BILLING CODE 4710–07–M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Notice of Meeting of the Investment and Services Policy Advisory Committee

AGENCY: Office of the United States Trade Representative.

ACTION: Notice that the June 18, 1996 meeting of the Investment and Services Policy Advisory Committee will be held from 10:00 a.m. to 2:00 p.m. The meeting will be closed to the public from 10:00 a.m. to 1:30 p.m. The meeting will be open to the public from 1:30 p.m. to 2:00 p.m.

SUMMARY: The Investment and Services Policy Advisory Committee will hold a meeting on June 18, 1996, from 10:00 a.m. to 2:00 p.m. The meeting will be closed to the public from 10:00 a.m. to 1:30 p.m. The meeting will include a review and discussion of current issues which influence U.S. trade policy. Pursuant to Section 2155(f)(2) of Title 19 of the United States Code, I have determined that this portion of the meeting will be concerned with matters the disclosure of which would seriously compromise the development by the United States Government of trade policy, priorities, negotiating objectives or bargaining positions with respect to the operation of any trade agreement and other matters arising in connection with the development, implementation and administration of the trade policy of the United States. The meeting will be open to the public and press from 1:30 p.m. to 2:00 p.m. when trade policy issues will be discussed. Attendance during this part of the meeting is for observation only. Individuals who are not members of the committee will not be invited to comment.

DATES: The meeting is scheduled for June 18, 1996, unless otherwise notified.

ADDRESSES: The meeting will be held at the Jefferson Hotel at 16th and M Streets, N.W., Washington, D.C., unless otherwise notified.

FOR FURTHER INFORMATION CONTACT: Suzanna Kang, Office of the United States Trade Representative, (202) 395–6120.

Charlene Barshefsky,

Acting United States Trade Representative.

[FR Doc. 96–14464 Filed 6–7–96; 8:45 am]

BILLING CODE 3190–01–M

Identification of Priority Foreign Country Practices; Request for Public Comment

AGENCY: Office of the United States Trade Representative.

ACTION: Request for written submissions from the public.

SUMMARY: Executive Order 12901 of March 3, 1994, as amended by Executive Order 12973 of September 27, 1995, requires the United States Trade Representative (USTR) to review United States trade expansion priorities and to identify priority foreign country practices, the elimination of which is likely to have the most significant potential to increase United States exports, either directly or through the establishment of a beneficial precedent. USTR is requesting written submissions from the public concerning foreign country practices that should be considered by the USTR for this purpose.

DATES: Submissions must be received on or before 12:00 noon on Tuesday, July 2, 1996.

ADDRESSES: 600 17th Street, NW., Washington, D.C. 20508.

FOR FURTHER INFORMATION CONTACT: Questions concerning the filing of submissions should be directed to Sybia

Harrison, Staff Assistant to Section 301 Committee, (202) 395–3432; legal questions regarding the executive order and its implementation should be addressed to Irving Williamson, Deputy General Counsel, Office of the United States Trade Representative, (202) 395–3432.

SUPPLEMENTARY INFORMATION: By Executive Order 12901 of March 3, 1994 (59 F.R. 10727), the President ordered USTR to identify trade expansion priorities for calendar years 1994 and 1995, given that the identification provisions of section 310 of the Trade Act of 1974 (commonly referred to as ''Super 301'') were then no longer in effect. By Executive Order 12973 of September 17, 1995, the President extended this identification process to calendar years 1996 and 1997 (60 F.R. 51665). Section 1 of E.O. 12901, as amended by E.O. 12973, requires the USTR, no later than September 30, 1996, and September 30, 1997, to review United States trade expansion priorities and identify priority foreign country practices, the elimination of which is likely to have the most significant potential to increase United States exports, either directly or through the establishment of a beneficial precedent. A report on the practices identified must be submitted to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives, and published in the Federal Register. Section 2 of E.O. 12091 requires the Trade Representative to initiate investigations under section 302(b)(1) of the Trade Act of 1974 as amended (19 U.S.C. 2412(b)(1), no later than 21 days after submission of the report, with respect to all of the priority foreign country practices so identified. The USTR may also cite in the report practices that may warrant identification in the future or that were not identified because they are already being addressed and progress is being made toward their elimination.

Requirements for Submissions

The USTR invites submissions on foreign country practices that should be considered for identification under E.O. 12901. Submissions should indicate whether the foreign policy or practice at issue was identified in the 1996 National Trade Estimate Report on Foreign Trade Barriers (NTE Report) published by the Office of the USTR on March 31, 1996 (U.S. Government Printing Office, ISBN 0–16–048559–2), and if so, should cite the page number(s) where it appears in the NTE and provide any additional information considered relevant. (A copy of the NTE Report is maintained in the USTR Reading Room and also can be located at USTR's Internet Home Page address, which is: http://www.ustr.gov/index.html.) If the foreign practice was not identified in the NTE Report, submissions should (1) include information on the nature and significance of the foreign practice; (2) identify the United States product, service, intellectual property right, or foreign direct investment matter which is affected by the foreign practice; and (3) provide any other information considered relevant. Such information may include information on the trade agreements to which a foreign country is a party, and its compliance with those agreements; the medium- and long-term implications of foreign government procurement plans; and the international competitive position and export potential of United States products and services. Because submissions will be placed in a public file, open to public inspection at USTR, business-confidential information should not be submitted.

Interested persons must provide twenty copies of any submission to Sybia Harrison, staff assistant to the Section 301 Committee, Room 222, 600 17th Street, NW., Washington, D.C. 20508, no later than 12:00 noon on Tuesday, July 2, 1996.

Public Inspection of Submissions

Submissions will be placed in a public file, open for inspection at the USTR Reading Room, in Room 101, Office of the United States Trade Representative, 600 17th Street, NW., Washington, D.C. An appointment to review the file may be made by calling Brenda Webb, (202) 395–6186. The USTR Reading Room is open to the public from 10:00 a.m. to 12:00 noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday.

Irving A. Williamson,

Chairman, Section 301 Committee.

[FR Doc. 96–14465 Filed 6–7–96; 8:45 am]

BILLING CODE 3190–01–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activity Under OMB Review

AGENCY: Department of Transportation (DOT), Federal Aviation Administration (FAA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the information collection request described below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The FAA is requesting an emergency clearance by June 13, 1996, in accordance with 5 CFR 1320.13. The following information describes the nature of the information collection and its expected burden.

DATES: Submit any comments to OMB within 30 days of the date of this notice.

SUPPLEMENTARY INFORMATION: The Federal Aviation Administration (FAA) plans to launch a nationwide public education campaign designed to inform the American public as to passenger safety onboard commercial aircraft. Focus groups are necessary to determine consumer attitudes toward and knowledge regarding aircraft passenger safety. The contractor will conduct two focus groups.

Title: FAA Passenger Safety Campaign.

Need: Information gathered from the focus groups will enable the contractor to define and analyze the target market and its demographics to determine receptivity and the most effective and cost-efficient method of information targeting.

Respondents: One focus group will be made up of approximately 30 representatives from the general public and the second will be made up of approximately 30 representatives of special interest groups (i.e. flight attendants, airlines, child safety advocate organizations, etc.)

Frequency: One time each for the two focus groups.

Burden: The estimated reporting burden is 240 hours.

FOR FURTHER INFORMATION: or to receive copies of the justification document submitted to OMB, you can contact Judith Street on (202) 267–9895 or write to Judith Street at: The Federal Aviation Administration, Corporate Information Division, ABC–100, 800 Independence Avenue, SW., Washington, DC 20591.

Comments may be submitted to the agency at the address above or to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street, NW., Washington, DC 20503.

Issued in Washington, DC on June 4, 1996.

Patricia W. Carter,

Acting Manager, Corporate Information Division, ABC–100.

[FR Doc. 96–14562 Filed 6–7–96; 8:45 am]

BILLING CODE 4910–13–M

[Summary Notice No. PE–96–28]

Petitions for Exemption; Summary of Petitions Received; Disposition of Petitions Issued

AGENCY: Federad Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemkaing provisions governing the application, processing, and disposition of petitions for exemption (14 CFR part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Ch. I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATES: Comments on petitions received must identify the petition docket number involved and must be received on or before July 1, 1996.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC–200), Petition Docket No. _____ 800 Independence Avenue, SW., Washington, DC 20591. Comments may also be sent electronically to the following internet address: nprmcmts@mail.hq.faa.gov.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–3132.

FOR FURTHER INFORMATION CONTACT: Mr. D. Michael Smith, Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–7470. This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulation (14 CFR part 11).

Issued in Washington, DC on June 5, 1996.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: 28397

Petitioner: Tulsa Technology Center

Sections of the FAR Affected: 14 CFR 65.17(a), 65.19(b), and 65.75(a)

Description of Relief Sought: To permit the Tulsa Technology Center (TTC) to (1) administer the FAA oral and practical tests to students at times and places identified in TTC's operations handbook, (2) allow applicants to apply for retesting within 30 days after failure without presenting a signed statement certifying that additional instruction has been given in the failed area, and (3) administer the Aviation Mechanic General written test to students immediately following successful completion of the general curriculum, prior to meeting the experience requirements of § 65.77.

Docket No.: 28556

Petitioner: Mr. Harry Veltman

Sections of the FAR Affected: 14 CFR 61.183(c)(2)

Description of Relief Sought: To permit Mr. Veltman to be eligible for a flight instructor certificate with an airplane category rating, without holding an instrument rating.

Docket No.: 28572

Petitioner: Mr. Mark Quinn

Sections of the FAR Affected: 14 CFR 91.107(a)(3) and 121.311(b)

Description of Relief Sought: To allow Mr. Quinn to not be required to purchase a passenger seat on a commercial airliner for his daughter, Sarah N. Quinn, who was born with Down syndrome and other birth defects, even though she has reached her second birthday. Although the Federal Aviation Regulations do not regulate whether or not fares are imposed by air carriers, an exemption from §§ 91.107(a)(3) and 121.311(b), if granted, would permit Sarah to be held by an adult who is occupying an approved seat, even though she has reached her second birthday.

[FR Doc. 96–14564 Filed 6–7–96; 8:45 am]

BILLING CODE 4910–13–M

Maritime Administration

Notice of Change of Name of Approved Trustee

Notice is hereby given that effective December 1, 1995, Shawmut Bank Connecticut, N.A., with offices at 777 Main Street, Hartford, Connecticut 06115, changed its name to Fleet National Bank of Connecticut, as a result of the merger with and into Fleet Financial Group, Inc. Further, effective April 4, 1996, Fleet National Bank of Connecticut, with offices at One Monarch Place, Springfield, Massachusetts, changed its name to Fleet National Bank.

Dated: June 4, 1996.

By order of the Maritime Administrator.

Joel C. Richard,

Secretary.

[FR Doc. 96–14576 Filed 6–7–96; 8:45 am]

BILLING CODE 4910–81–P

National Highway Traffic Safety Administration

Research and Development Programs Meeting Agenda

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice.

SUMMARY: This notice provides the agenda for a public meeting at which the National Highway Traffic Safety Administration (NHTSA) will describe and discuss specific research and development projects.

DATES AND TIMES: As previously announced, NHTSA will hold a public meeting devoted primarily to presentations of specific research and development projects on June 12, 1996, beginning at 1:30 p.m. and ending at approximately 5 p.m.

ADDRESS: The meeting will be held at the Royce Hotel-Detroit Metro Airport, 31500 Wick Road, Romulus, MI 48174.

SUPPLEMENTARY INFORMATION: This notice provides the agenda for the thirteenth in a series of public meetings to provide detailed information about NHTSA's research and development programs. This meeting will be held on June 12, 1996. The meeting was announced on May 15, 1996 (61 FR 24528). For additional information about the meeting consult that announcement. Starting at 1:30 p.m. and concluding by 5:00 p.m., NHTSA's Office of Research and Development will discuss the following topics:

The process and priorities for coordinated global research,

Objectives and deliverables of vehicle aggressivity and fleet compatibility research with results and conclusions to date,

Research to upgrade fuel system integrity, including recent testing and possible alternative test configurations,

Integrated seat research,

Biomechanics research program

—Head and neck injury research

—Lower extremity research and new dummy hardware,

Children and child restraint/air bag interaction dummy testing.

NHTSA has based its decisions about the agenda, in part, on the suggestions

it received by May 24, 1996, in response to the announcement published May 15, 1996.

As announced on May 15, 1996, in the time remaining at the conclusion of the presentations, NHTSA will provide answers to questions on its research and development programs, where those questions have been submitted in writing by 4:15 p.m. on June 3, 1996, to William A. Boehly, Associate Administrator for Research and Development, NRD–01, National Highway Traffic Safety Administration, Washington, DC 20590. Fax number: 202–366–5930.

FOR FURTHER INFORMATION CONTACT: Rita I. Gibbons, Staff Assistant, Office of Research and Development, 400 Seventh Street, SW, Washington, DC 20590. Telephone: 202–366–4862. Fax number: 202–366–5930.

Issued: June 5, 1996.

William A. Boehly,

Associate Administrator for Research and Development.

[FR Doc. 96–14572 Filed 6–7–96; 8:45 am]

BILLING CODE 4910–59–P

Surface Transportation Board [1]

[STB Finance Docket No. 32965]

Missouri Pacific Railroad Company—Trackage Rights Exemption—Union Pacific Railroad Company

Union Pacific Railroad Company (UP) has agreed to grant local and overhead trackage rights to Missouri Pacific Railroad Company (MP) over approximately 2.225 miles of the McPherson Branch from milepost 515.775 to milepost 518.0 near McPherson in McPherson County, KS. The trackage rights were to become effective on or after May 29, 1996.

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 32965, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Branch, 1201 Constitution Avenue, N.W., Washington, DC 20423 and served on: Joseph D. Anthofer, General Attorney, 1416 Dodge Street, #830, Omaha, NE 68179.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN,* 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate,* 360 I.C.C. 653 (1980).

Decided: May 31, 1996.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 96–14575 Filed 6–7–96; 8:45 am]

BILLING CODE 4915–00–P

[1] The ICC Termination Act of 1995, Pub. L. No. 104–88, 109 Stat. 803, which was enacted on December 29, 1995, and took effect on January 1, 1996, abolished the Interstate Commerce Commission and transferred certain functions to the Surface Transportation Board (Board). This notice relates to functions that are subject to Board jurisdiction pursuant to 49 U.S.C. 11323–24.

Federal Aviation Administration

Airport Rescue and Firefighting Mission Response Study

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice of opportunity for comment.

SUMMARY: This document invites the public to comment on issues relating to a study of the mission and requirements for airport fire service. Senate Report 103–310 on the Department of Transportation Fiscal Year 1995 Appropriations Act requested that the FAA review airport fire protection required by 14 CFR part 139, Certification and Operations: Land Airports Serving Certain Air Carriers, emergency response to hazardous materials incidents, and emergency medical services (EMS) at airports. FAA was asked to examine and compare rescue and firefighting requirements at civil facilities with the fire services required by military regulation at Department of Defense (DOD) facilities and to report to Congress on these issues. Comment is invited on specific issues rather than on a draft document. This notice provides information on the issues identified and directions for commenting on issues within the study scope.

DATES: Comments are due on or before July 10, 1996.

ADDRESSES: Comments should be mailed to: Federal Aviation Administration, Office of Airport Safety and Standards, Attention: AAS–100, 800 Independence Avenue, SW., Washington, DC 20591. Commenters wishing the FAA to acknowledge receipt of their request must include a pre-addressed, stamped postcard on which the following statement is made: ''Comments on study of mission and requirements for civil airport rescue and firefighting service.'' The postcard will be date stamped and mailed to the requester. Comments resulting from this Notice may be examined at the above address in room 615B on weekdays, except on Federal holidays, between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT: James W. Bushee, Manager, Design and Operations Criteria Division, AAS–100, Federal Aviation Administration, 800 Independence Ave., SW., Washington, DC 20591, telephone (202) 267–3446.

SUPPLEMENTARY INFORMATION: The FAA has undertaken a study of the mission requirements and responsibilities of airports and the personnel responsible for providing rescue and firefighting service at military and civil-use airports. Information has been obtained on current Air Force and Navy regulations for military aviation and structural firefighting. Information has also been obtained from a cross-section of civil aviation airports subject to regulation under 14 CFR part 139. In this activity, FAA consulted with the industry's Airport Rescue Firefighting Working Group, a non-profit technical organization of professional firefighters established primarily as an educational exchange network to analyze and discuss procedures to be utilized when dealing with aviation situations and emergencies.

ISSUES: Data gathering identified the following issues which highlight differences between military and civil airport fire service missions:

Organizational structure. Civil airport firefighting units must be viewed in the context of the community in which they are located. At some airports, the units are under the direction of the airport manager/airport fire chief while at other airports the units are part of a larger firefighting organization and may be under the direction of someone located off the airport, e.g., the chief of the municipal fire department. All airport firefighting units have the capability to address aircraft accidents and incidents. Some airports have the capability within their firefighting units to address other emergencies such as structural firefighting, hazardous materials incidents, and medical emergencies. Other airports look to the surrounding communities to provide these services. In contrast, the military places the responsibility for all emergencies on the facility commander. All emergency services on a military airfield are under the direction of the base commander,

regardless of whether the emergency is an aircraft accident or incident, a structural fire on base but possibly off the airfield, a hazardous materials incident, or a medical emergency.

Aircraft firefighting—the extent of the mission. The civil airport fire service requirement, pursuant to 14 CFR part 139, is to provide an escape path from a burning airplane. Mutual-aid agreements and community emergency response teams supplement the civil airport fire service to provide for extended firefighting and EMS. Military fire service regulations provide firefighters and equipment for both initial and extended firefighting. In addition, military fire service is trained for and equipped to deal with munitions as hazardous materials and extraction of pilots and crew from burning aircraft.

Aircraft firefighting—the size of the fire suppression area. Civil airport fire service requires sufficient water mixed with firefighting agent (in terms of quantity and delivery rate) to control or suppress any fire in an area of sufficient size to permit the occupants of the aircraft to escape. Military fire service requires staff, equipment, and sufficient fire combat agents to continue to fight the fire to total extinguishment.

Structural firefighting and rescue. Civil airports, as a part of the community, are afforded community structural fire protection. In planning for emergencies, including response to structural fires, communities station firefighters, trained and equipped for rescue operations and fighting structural fires, throughout the community. Where distances dictate, a community may station structural firefighters on an airport. Military airport fire service, by comparison, includes training and equipment for response to structural fires on the military installation.

Hazardous materials incidents. This issue deals with whether response to hazardous material incidents must be provided by a civil airport fire service. Many communities support the airport's need for response to hazardous material incidents with trained firefighters stationed on the airport or in close proximity to the airport. Others meet this infrequent need with trained individuals responding from surrounding communities through mutual-aid agreements. The military mission, on the other hand, involves special training and the frequent handling of incidents where hazardous materials such as live munitions are present. Consequently, response to hazardous materials incidents are the norm and an integral part of the military fire service mission.

EMS at airports. Most communities respond to medical emergencies with medical personnel that are not integral to the airport fire service. Most military installations, being self-contained communities, have a hospital. The hospital mission normally encompasses EMS response to accidents or incident on the airfield.

Prior to finalizing the report and developing conclusions, FAA is seeking information from interested parties on these issues. Comments are invited on the issues, subsets of these issues that may need special analyses, or other issues of concern relating to the Congressionally requested scope of study.

Issued in Washington, DC on June 4, 1996.

David L. Bennett,

Director, Office of Airport Safety and Standards.

[FR Doc. 96–14563 Filed 6–7–96; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request For Regulation Project PS–52–88

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, PS–52–88 (TD 8455), Election to Expense Certain Depreciable Business Assets. (§§ 1.179–2, 1.179–3).

DATES: Written comments should be received on or before August 9, 1996 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5569, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Election to Expense Certain Depreciable Business Assets.

OMB Number: 1545–1201.

Regulation Project Number: PS–52–88 Final.

Abstract: The regulations provide rules on the election described in Internal Revenue Code section 179(b)(4); the apportionment of the dollar limitation among component members of a controlled group; and the proper order for deducting the carryover of disallowed deduction. The recordkeeping and reporting requirements are necessary to monitor compliance with the section 179 rules.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of OMB approval.

Affected Public: Individuals or households, farms, and business or other for-profit organizations.

Estimated Number of Respondents: 20,000.

Estimated Time Per Respondent: 45 minutes.

Estimated Total Annual Burden Hours: 15,000 hours.

REQUEST FOR COMMENTS: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: June 3, 1996.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 96–14468 Filed 6–7–96; 8:45 am]

BILLING CODE 4830–01–U

Corrections

Federal Register
Vol. 61, No. 112
Monday, June 10, 1996

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Parts 412, 413, and 489

[BPD-847-P]

RIN 0938-AH34

Medicare Program; Changes to the Hospital Inpatient Prospective Payment Systems and Fiscal Year 1997 Rates

Correction

In proposed rule document 96–13613 appearing on page 27444 in the issue of Friday, May 31, 1996, make the following correction:

On the same page in the first column under DATES:, in the fourth line, ''July 31, 1996'', should read ''July 30, 1996''.

BILLING CODE 1505–01–D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA-930-06-2700 WARD]

Change of Dates and Locations for Ward Valley Public Scoping Workshops

Correction

In notice document 96–13887, appearing on page 27935, in the issue of Monday, June 3, 1996, make the following corrections:

1. On page 27935, in the DATES: section, in the second column, in the first line, ''June in Sacramento'' should read ''June 3 in Sacramento.''

2. On the same page, in the same section, in the same column, in the fourth line, ''June 15 in San Bernardino'' should read ''June 5 in San Bernardino.''

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 62

[CGD-94-091]
RIN 2115-AF14

Conformance of the Western Rivers Marking System With the United States Aids to Navigation System

Correction

In rule document 96–13725, beginning on page 27780, in the issue of Monday, June 3, 1996, make the following correction:

On page 27780, in the third column, in the DATES: section, in the last line, ''later than June 3, 1996'' should read ''later than June 3, 1999.''

BILLING CODE 1505–01–D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 95–ANM–22]

Proposed Establishment of Class E Airspace; Colstrip, MT

Correction

In proposed rule document 96–12839, beginning on page 25600 in the issue of Wednesday, May 22, 1996, make the following correction:

§71.1 [Corrected]

On page 25601, in the second column, in the last line of amendatory text, ''Class airspace areas.'' should read ''Class E airspace areas.''.

BILLING CODE 1505–01–D

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 21

RIN 2900-AH60

Veterans and Dependents Education: Miscellaneous

Correction

In rule document 96–12548 beginning on page 26107 in the issue of Friday, May 24, 1996, make the following correction:

§ 21.3041 [Corrected]

On page 26108, in the third column, in amendatory instruction 10 to § 21.3041, in the second line ''eligibility'' should read ''eligilibity''.

BILLING CODE 1505–01–D

Federal Register

Monday
June 10, 1996

Part II

The President

Presidential Determination No. 96–28 of May 29, 1996

Presidential Determination No. 96–29 of May 31, 1996

Presidential Determination No. 96–30 of June 3, 1996

Presidential Documents

Vol. 61, No. 112

Monday, June 10, 1996

Title 3—

The President

Presidential Determination No. 96–28 of May 29, 1996

Vietnamese Cooperation in Accounting for United States Prisoners of War and Missing in Action (POW/MIA)

Memorandum for the Secretary of State

Consistent with section 609 of the Fiscal Year 1996 Omnibus Appropriations Act, Public Law 104–134, I hereby determine, based on all information available to the United States Government that the Government of the Socialist Republic of Vietnam, is cooperating in full faith with the United States in the following areas:

(1) Resolving discrepancy cases, live sightings and field activities;

(2) Recovering and repatriating American remains;

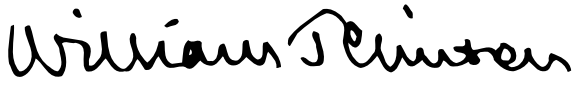
(3) Accelerating efforts to provide documents that will help lead to the fullest possible accounting of POW/MIA's; and

(4) Providing further assistance in implementing trilateral investigations with Laos.

I have been advised by the Department of Justice and believe that section 609 is unconstitutional because it purports to condition the execution of responsibilities—the authority to recognize, and to maintain diplomatic relations with, a foreign government—that the Constitution commits exclusively to the President. I am, therefore, providing this determination as a matter of comity, while reserving my position that the condition enacted in section 609 is unconstitutional.

Finally, in making this determination, I wish to emphasize my continuing personal commitment to the entire POW/MIA community, especially to the immediate families, relatives, friends and supporters of these brave individuals, and to reconfirm that the central, guiding principle of my Vietnam policy is to achieve the fullest possible accounting for our prisoners of war and missing in action.

You are authorized and directed to report this determination to the appropriate committees of the Congress and to publish it in the Federal Register.



THE WHITE HOUSE,
Washington, May 29, 1996.

[FR Doc. 96–14816
Filed 6–7–96; 8:45 am]
Billing code 4710–10–M

Presidential Documents

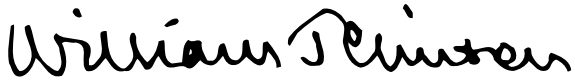
Presidential Determination No. 96–29 of May 31, 1996

Determination Under Subsection 402(d)(1) of the Trade Act of 1974, as Amended—Continuation of Waiver Authority

Memorandum for the Secretary of State

Pursuant to the authority vested in me under the Trade Act of 1974, as amended, Public Law 93–618, 88 Stat. 1978 (hereinafter ''the Act''), I determine, pursuant to subsection 402(d)(1) of the Act, 19 U.S.C. 2432(d)(1), that the further extension of the waiver authority granted by subsection 402(c) of the Act will substantially promote the objectives of section 402 of the Act. I further determine that continuation of the waiver applicable to the People's Republic of China will substantially promote the objectives of section 402 of the Act.

You are authorized and directed to publish this determination in the Federal Register.



THE WHITE HOUSE,
Washington, May 31, 1996.

[FR Doc. 96–14817
Filed 6–7–96; 8:45 am]
Billing code 4710–10–M

Presidential Documents

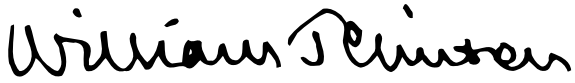
Presidential Determination No. 96–30 of June 3, 1996

Determination Under Subsection 402(d)(1) of the Trade Act of 1974, as Amended—Continuation of Waiver Authority

Memorandum for the Secretary of State

Pursuant to subsection 402(d)(1) of the Trade Act of 1974, as amended (the ''Act''), I determine that the further extension of the waiver authority granted by subsection 402(c) of the Act will substantially promote the objectives of section 402 of the Act. I further determine that the continuation of the waivers applicable to Albania, Armenia, Azerbaijan, Belarus, Georgia, Kazakstan, Kyrgyzstan, Moldova, Mongolia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan will substantially promote the objectives of section 402 of the Act.

You are authorized and directed to publish this determination in the Federal Register.



THE WHITE HOUSE,
Washington, June 3, 1996.

[FR Doc. 96–14818
Filed 6–7–96; 8:45 am]
Billing code 4710–10–M

Reader Aids

Federal Register

Vol. 61, No. 112

Monday, June 10, 1996

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations

General Information, indexes and other finding aids **202–523–5227**

Public inspection announcement line **523–5215**

Laws

Public Laws Update Services (numbers, dates, etc.) **523–6641**

For additional information **523–5227**

Presidential Documents

Executive orders and proclamations **523–5227**

The United States Government Manual **523–5227**

Other Services

Electronic and on-line services (voice) **523–4534**

Privacy Act Compilation **523–3187**

TDD for the hearing impaired **523–5229**

ELECTRONIC BULLETIN BOARD

Free Electronic Bulletin Board service for Public Law numbers, Federal Register finding aids, and list of documents on public inspection. **202–275–0920**

FAX-ON-DEMAND

You may access our Fax-On-Demand service. You only need a fax machine and there is no charge for the service except for long distance telephone charges the user may incur. The list of documents on public inspection and the daily Federal Register's table of contents are available using this service. The document numbers are 7050-Public Inspection list and 7051-Table of Contents list. The public inspection list will be updated immediately for documents filed on an emergency basis.

NOTE: YOU WILL ONLY GET A LISTING OF DOCUMENTS ON FILE AND NOT THE ACTUAL DOCUMENT. Documents on public inspection may be viewed and copied in our office located at 800 North Capitol Street, N.W., Suite 700. The Fax-On-Demand telephone number is: **301–713–6905**

FEDERAL REGISTER PAGES AND DATES, JUNE

27767–27994 3
27995–28466 4
28467–28722 5
28723–29000 6
29001–29266 7
29267–29458 10

CFR PARTS AFFECTED DURING JUNE

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
6902 28465

Executive Orders:
12880 28721
13008 28721

Administrative Orders:

Presidential Determinations:
96–27 of May 28, 1996 29001
96–28 of May 29, 1996 29453
96–29 of May 31, 1996 29455
96–30 of June 3, 1996 29457

Memorandums:
96–26 of May 22, 1996 27767

5 CFR

532 ..... 27995, 27996

Proposed Rules:
2429 28797
2470 28797
2471 28798
2472 28798
2473 28798

7 CFR

6 28723
29 27997
610 27998
928 28000
1230 28002

Proposed Rules:
457 27512

8 CFR

103 28003
299 28003

Proposed Rules:
273 29323

9 CFR

Proposed Rules:
92 ..... 27797, 28073

10 CFR

51 28467
71 28723
1703 28725

Proposed Rules:
430 28517

12 CFR

336 28725
747 28021

Proposed Rules:
229 27802
704 28085
709 28085
741 28085

14 CFR

25 28684
33 28430
39 ..... 28028, 28029, 28031, 28497, 28498, 28730, 28732, 28734, 28736, 28738, 29003, 29007, 29009, 29267, 29269, 29271, 29274, 29276, 29278, 29279
71 ..... 28033, 28034, 28035, 28036, 28037, 28038, 28039, 28040, 28041, 28042, 28043, 28044, 28045, 28740, 28741, 28742, 28743
91 28416
95 27769
97 ..... 29015, 29016
121 28416
125 28416
135 28416
302 29282
373 29284
399 29018

Proposed Rules:
Ch. I 28803
39 ..... 28112, 28114, 28518, 28520, 29038
71 ..... 28803, 29449
121 29000
250 27818

15 CFR

Proposed Rules:
946 28804

16 CFR

Proposed Rules:
419 29039

17 CFR

Proposed Rules:
1 28806

19 CFR

10 28932
12 ..... 28500, 28932
102 28932
134 28932
178 28500

Proposed Rules:
19 28808
113 28808
132 28522
144 28808
151 28522
351 28821
353 28821
355 28821

20 CFR

404 28046

21 CFR

14.....28047, 28048
70.....28525
73.....28525
74.....28525
80.....28525
81.....28525
82.....28525
100.....27771
101.....27771, 28525
103.....27771
104.....27771
105.....27771
109.....27771
137.....27771
161.....27771
163.....27771
172.....27771
177.....28049
178.....28051, 28525
182.....27771
186.....27771
197.....27771
201.....28525
700.....27771
701.....28525

Proposed Rules:

1.....28116
2.....28116
3.....28116
5.....28116
10.....28116
12.....28116
20.....28116
56.....28116
58.....28116

22 CFR

514.....29285

23 CFR

1206.....28745
1215.....28747
1230.....28750

Proposed Rules:

655.....29234

24 CFR

3500 .....59238, 29255, 29258, 29264

Proposed Rules:

35.....29170
36.....29170
37.....29170

25 CFR

65.....27780
66.....27780
76.....27780

Proposed Rules:

1.....27821
150.....27822
161.....29285
166.....27824
175.....29040
217.....27831
271.....27833
272.....27833
274.....27833
277.....27833
278.....27833
290.....29044

26 CFR

40.....28053
48.....28053

Proposed Rules:

1 .....27833, 27834, 28118, 28821, 28823
31.....28823
35a.....28823
301.....28823
502.....28823
503.....28823
509.....28823
513.....28823
514.....28823
516.....28823
517.....28823
520.....28823
521.....28823

29 CFR

1952.....28053

Proposed Rules:

1904.....27850
1915.....28824
1952.....27850

30 CFR

75.....29287

Proposed Rules:

218.....28829
250.....28525
256.....28528

33 CFR

62.....27780, 29449
100 .....27782, 28501, 28502, 28503, 29019
165 .....28055, 29020, 29021, 29022

34 CFR

Proposed Rules:

701.....27990

36 CFR

6.....28504
7.....28505, 28751
17.....28506

Proposed Rules:

7.....28530

37 CFR

Proposed Rules:

202.....28829

38 CFR

1.....29023, 29024
2.....27783
6.....29024
7.....29025
8.....29289
8a.....29027
14.....27783
17.....29293
20.....29027
21 .....28753, 28755, 29028, 29294, 29297, 29449
36.....28057

39 CFR

233.....28059

40 CFR

15.....28755
32.....28755
52.....28061
55.....28757
63.....27785
73.....28761
80 763
264.....28508
265.....28508
270.....28508
271.....28508
300.....27788, 28511

Proposed Rules:

52.....28531, 28541
73.....28830, 28996
81.....28541
180.....28118, 28120

42 CFR

Proposed Rules:

72.....29327
412.....29449
413.....29449
489.....29449

43 CFR

2120.....29030
4100.....29030
4600.....29030

Proposed Rules:

6000.....28546
6100.....28546
6200.....28546
6300.....28546
6400.....28546
6500.....28546
6600.....28546
7100.....28546
7200.....28546
7300–9000.....28546

44 CFR

64.....28067

46 CFR

108.....28260
110.....28260
111.....28260
112.....28260
113.....28260
161.....28260

47 CFR

0.....29311
73.....28766, 29311
74.....28766
76.....28698, 29312
95.....28768

Proposed Rules:

0.....28122
76.....29333, 29336
80.....28122

48 CFR

Proposed Rules:

45.....27851
52.....27851
1501.....29314
1509.....29314
1510.....29314
1515.....29314
1532.....29314
1552.....29314
1553.....29314

49 CFR

107.....27948
171.....28666
172.....28666
173.....28666
174.....28666
178.....28666
179.....28666
190.....27789
191.....27789
192.....27789, 28770
193.....27789
541.....29031
565.....29031
567.....29031
571.....28423, 29031
1039.....29036

Proposed Rules:

6.....28831
391.....28547
571 .....28123, 28124, 28550, 28560, 29337

50 CFR

216.....27793
247.....27793
620.....27795
656.....29321
663.....28786, 28796
672.....28069, 28070
675 .....27796, 28071, 28072
697.....29321

Proposed Rules:

17.....28834, 29047
625.....27851
641.....29339
650.....27862
651.....27862, 27948

REMINDERS

The rules and proposed rules in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT TODAY

COMMERCE DEPARTMENT
National Oceanic and Atmospheric Administration
Federal regulatory reform:
Ocean thermal energy conversion licensing program; CFR part removed; published 5-9-96
Reporting and recordkeeping requirements; published 5-10-96

DEFENSE DEPARTMENT
Vocational rehabilitation and education:
Veterans education--
Reservists education and Montgomery GI Bill-Selected Reserve; eligibility, etc.; published 6-10-96

ENVIRONMENTAL PROTECTION AGENCY
Air pollutants, hazardous; national emission standards:
Tennessee; radionuclides emissions other than radon from Energy Department facilities, etc.; published 4-25-96
Air pollution control:
Federal regulatory review; published 4-11-96
Air quality implementation plans; approval and promulgation; various States:
Arizona; published 4-9-96
California; published 4-9-96
Illinois; published 4-9-96
Indiana; published 4-9-96
Oklahoma; published 4-9-96
Pennsylvania; published 4-9-96
Wisconsin; published 4-9-96
Air quality planning purposes; designation of areas:
Arizona; published 5-10-96

FEDERAL COMMUNICATIONS COMMISSION
Organization, functions, and authority delegations:
General Counsel; published 6-10-96
Radio services, special:
Amateur services--
Vanity call sign system; implementation; published 5-10-96
Radio stations; table of assignments:
Missouri; published 6-10-96
Television stations; table of assignments:
Virginia; published 5-2-96

LABOR DEPARTMENT
Mine Safety and Health Administration
Coal mine safety and health:
Underground coal mine ventilation; safety standards; published 3-11-96
Underground coal mines--
Ventilation; safety standards; correction; published 6-10-96

POSTAL SERVICE
Mail cover regulations; addition of commercial espionage as criminal activity; published 5-10-96

SECURITIES AND EXCHANGE COMMISSION
Securities:
California state securities law; exemption from registration requirements for limited offerings up to $5 million; published 5-9-96

TRANSPORTATION DEPARTMENT
Coast Guard
Vocational rehabilitation and education:
Veterans education--
Reservists education and Montgomery GI Bill-Selected Reserve; eligibility, etc.; published 6-10-96

TRANSPORTATION DEPARTMENT
Federal regulatory reform:
Audits of state and local governments (A-128); removed, etc.; published 5-10-96
Great Lakes pilotage rate methodology; published 5-9-96

TRANSPORTATION DEPARTMENT
Federal Aviation Administration
Airworthiness directives:
New Piper Aircraft, Inc.; published 5-3-96
Airworthiness standards:
Rotorcraft, transport category--
Takeoff, climb, and landing performance requirements; determination factors; published 5-10-96

UNITED STATES INFORMATION AGENCY
Exchange visitor program:
Program extension procedures, research programs design and conduct, etc.; published 6-10-96

VETERANS AFFAIRS DEPARTMENT
Adjudication; pensions; compensation, dependency, etc.:
National service life insurance; amendments; published 6-10-96
Medical regulations:
Autopsies; death from crime at VA facility; published 6-10-96
Vocational rehabilitation and education:
Veterans education--
Miscellaneous amendments; published 6-10-96
Reservists education and Montgomery GI Bill-Selected Reserve; eligibility, etc.; published 6-10-96

COMMENTS DUE NEXT WEEK

AGRICULTURE DEPARTMENT
Agricultural Marketing Service
Fruits, vegetables, and other products, fresh:
Almonds, shelled and in shell; comments due by 6-21-96; published 4-22-96

AGRICULTURE DEPARTMENT
Animal and Plant Health Inspection Service
Exportation and importation of animals and animal products:
Shipping containers and other means of conveyance; inspection requirements; comments due by 6-17-96; published 4-18-96

AGRICULTURE DEPARTMENT
Food and Consumer Service
Child nutrition programs:
Women, infants, and children; special supplemental food program--
Cereal sugar limit; comments due by 6-17-96; published 3-18-96

COMMERCE DEPARTMENT
International Trade Administration
Uruguay Round Agreements Act (URAA); conformance:
Antidumping and countervailing duties; Federal regulatory review; comments due by 6-17-96; published 6-6-96

COMMERCE DEPARTMENT
National Oceanic and Atmospheric Administration
Fishery conservation and management:
Alaska scallop; comments due by 6-21-96; published 5-10-96

DEFENSE DEPARTMENT
Acquisition regulations:
Commercial vehicles and equipment leasing; comments due by 6-17-96; published 4-18-96

ENVIRONMENTAL PROTECTION AGENCY
Air pollutants, hazardous; national emission standards:
Perchloroethylene dry cleaning facilities; comments due by 6-17-96; published 5-3-96
Air programs:
Outer Continental Shelf regulations--
Delegation remand; comments due by 6-19-96; published 5-20-96
Offset remand; comments due by 6-19-96; published 5-20-96
Stratospheric ozone protection--
Ozone-depleting substances; substitutes list; comments due by 6-21-96; published 5-22-96
Air quality implementation plans; approval and promulgation; various States:
Ohio; comments due by 6-17-96; published 5-16-96
Oregon; comments due by 6-17-96; published 5-16-96
Pennsylvania; comments due by 6-17-96; published 5-16-96
Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:
2-Propene-1-sulfonic acid, sodium salt, polymer with ethenol and ethenyl acetate; comments due by 6-17-96; published 5-16-96
Tau-fluvalinate; comments due by 6-17-96; published 5-17-96
Solid wastes:
Hazardous waste combustors; maximum

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, stock numbers, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription to all revised volumes is $883.00 domestic, $220.75 additional for foreign mailing.

Mail orders to the Superintendent of Documents, Attn: New Orders, P.O. Box 371954, Pittsburgh, PA 15250–7954. All orders must be accompanied by remittance (check, money order, GPO Deposit Account, VISA, or Master Card). Charge orders may be telephoned to the GPO Order Desk, Monday through Friday, at **(202) 512–1800** from 8:00 a.m. to 4:00 p.m. eastern time, or FAX your charge orders to **(202) 512-2233**.

Title	Stock Number	Price	Revision Date
1, 2 (2 Reserved)	(869–028–00001–1)	$4.25	Feb. 1, 1996
3 (1995 Compilation and Parts 100 and 101)	(869–028–00002–9)	22.00	[1] Jan. 1, 1996
4	(869–028–00003–7)	5.50	Jan. 1, 1996
5 Parts:			
1–699	(869–028–00004–5)	26.00	Jan. 1, 1996
700–1199	(869–028–00005–3)	20.00	Jan. 1, 1996
1200–End, 6 (6 Reserved)	(869–028–00006–1)	25.00	Jan. 1, 1996
7 Parts:			
0–26	(869–028–00007–0)	22.00	Jan. 1, 1996
27–45	(869–026–00008–5)	14.00	Jan. 1, 1995
46–51	(869–028–00009–6)	13.00	Jan. 1, 1996
52	(869–028–00010–0)	5.00	Jan. 1, 1996
53–209	(869–028–00011–8)	17.00	Jan. 1, 1996
210–299	(869–028–00012–6)	35.00	Jan. 1, 1996
300–399	(869–028–00013–4)	17.00	Jan. 1, 1996
400–699	(869–028–00014–2)	22.00	Jan. 1, 1996
*700–899	(869–028–00015–1)	25.00	Jan. 1, 1996
900–999	(869–028–00016–9)	30.00	Jan. 1, 1996
1000–1059	(869–026–00017–4)	23.00	Jan. 1, 1995
1060–1119	(869–026–00018–2)	15.00	Jan. 1, 1995
1120–1199	(869–026–00019–1)	12.00	Jan. 1, 1995
1200–1499	(869–028–00018–5)	29.00	Jan. 1, 1996
1500–1899	(869–028–00019–3)	41.00	Jan. 1, 1996
1900–1939	(869–028–00020–7)	16.00	Jan. 1, 1996
1940–1949	(869–026–00023–9)	30.00	Jan. 1, 1995
1950–1999	(869–028–00022–3)	39.00	Jan. 1, 1996
2000–End	(869–028–00023–1)	15.00	Jan. 1, 1996
8	(869–028–00024–0)	23.00	Jan. 1, 1996
9 Parts:			
1–199	(869–028–00025–8)	30.00	Jan. 1, 1996
200–End	(869–026–00028–0)	23.00	Jan. 1, 1995
10 Parts:			
0–50	(869–028–00027–4)	30.00	Jan. 1, 1996
51–199	(869–028–00028–2)	24.00	Jan. 1, 1996
200–399	(869–028–00029–1)	5.00	Jan. 1, 1996
400–499	(869–028–00030–4)	21.00	Jan. 1, 1996
500–End	(869–028–00031–2)	34.00	Jan. 1, 1996
11	(869–028–00032–1)	15.00	Jan. 1, 1996
12 Parts:			
1–199	(869–028–00033–9)	12.00	Jan. 1, 1996
200–219	(869–028–00034–7)	17.00	Jan. 1, 1996
220–299	(869–028–00035–5)	29.00	Jan. 1, 1996
300–499	(869–026–00038–7)	23.00	Jan. 1, 1995
500–599	(869–028–00037–1)	20.00	Jan. 1, 1996
600–End	(869–028–00038–0)	31.00	Jan. 1, 1996
13	(869–028–00039–8)	18.00	Mar. 1, 1996
14 Parts:			
1–59	(869–028–00040–1)	34.00	Jan. 1, 1996
60–139	(869–028–00041–0)	30.00	Jan. 1, 1996
140–199	(869–028–00042–8)	13.00	Jan. 1, 1996
200–1199	(869–028–00043–6)	23.00	Jan. 1, 1996
1200–End	(869–028–00044–4)	16.00	Jan. 1, 1996
15 Parts:			
0–299	(869–028–00045–2)	16.00	Jan. 1, 1996
300–799	(869–028–00046–1)	26.00	Jan. 1, 1996
800–End	(869–028–00047–9)	18.00	Jan. 1, 1996
16 Parts:			
0–149	(869–028–00048–7)	6.50	Jan. 1, 1996
150–999	(869–028–00049–5)	19.00	Jan. 1, 1996
1000–End	(869–028–00050–9)	26.00	Jan. 1, 1996
17 Parts:			
1–199	(869–026–00054–9)	20.00	Apr. 1, 1995
200–239	(869–026–00055–7)	24.00	Apr. 1, 1995
240–End	(869–026–00056–5)	30.00	Apr. 1, 1995
18 Parts:			
1–149	(869–026–00057–3)	16.00	Apr. 1, 1995
150–279	(869–026–00058–1)	13.00	Apr. 1, 1995
280–399	(869–026–00059–0)	13.00	Apr. 1, 1995
400–End	(869–026–00060–3)	11.00	Apr. 1, 1995
19 Parts:			
1–140	(869–026–00061–1)	25.00	Apr. 1, 1995
141–199	(869–026–00062–0)	21.00	Apr. 1, 1995
200–End	(869–026–00063–8)	12.00	Apr. 1, 1995
20 Parts:			
1–399	(869–026–00064–6)	20.00	Apr. 1, 1995
400–499	(869–026–00065–4)	34.00	Apr. 1, 1995
500–End	(869–026–00066–2)	34.00	Apr. 1, 1995
21 Parts:			
1–99	(869–026–00067–1)	16.00	Apr. 1, 1995
100–169	(869–026–00068–9)	21.00	Apr. 1, 1995
170–199	(869–026–00069–7)	22.00	Apr. 1, 1995
200–299	(869–026–00070–1)	7.00	Apr. 1, 1995
300–499	(869–026–00071–9)	39.00	Apr. 1, 1995
500–599	(869–026–00072–7)	22.00	Apr. 1, 1995
600–799	(869–026–00073–5)	9.50	Apr. 1, 1995
800–1299	(869–026–00074–3)	23.00	Apr. 1, 1995
1300–End	(869–026–00075–1)	13.00	Apr. 1, 1995
22 Parts:			
1–299	(869–026–00076–0)	33.00	Apr. 1, 1995
300–End	(869–026–00077–8)	24.00	Apr. 1, 1995
23	(869–026–00078–6)	22.00	Apr. 1, 1995
24 Parts:			
0–199	(869–026–00079–4)	40.00	Apr. 1, 1995
200–219	(869–026–00080–8)	19.00	Apr. 1, 1995
220–499	(869–026–00081–6)	23.00	Apr. 1, 1995
500–699	(869–026–00082–4)	20.00	Apr. 1, 1995
700–899	(869–026–00083–2)	24.00	Apr. 1, 1995
900–1699	(869–026–00084–1)	24.00	Apr. 1, 1995
1700–End	(869–026–00085–9)	17.00	Apr. 1, 1995
25	(869–026–00086–7)	32.00	Apr. 1, 1995
26 Parts:			
§§ 1.0-1–1.60	(869–026–00087–5)	21.00	Apr. 1, 1995
§§ 1.61–1.169	(869–026–00088–3)	34.00	Apr. 1, 1995
§§ 1.170–1.300	(869–026–00089–1)	24.00	Apr. 1, 1995
§§ 1.301–1.400	(869–026–00090–5)	17.00	Apr. 1, 1995
§§ 1.401–1.440	(869–026–00091–3)	30.00	Apr. 1, 1995
§§ 1.441-1.500	(869-026-00092-1)	22.00	Apr. 1, 1995
§§ 1.501–1.640	(869–026–00093–0)	21.00	Apr. 1, 1995
§§ 1.641–1.850	(869–026–00094–8)	25.00	Apr. 1, 1995
§§ 1.851–1.907	(869–026–00095–6)	26.00	Apr. 1, 1995
§§ 1.908–1.1000	(869–026–00096–4)	27.00	Apr. 1, 1995
§§ 1.1001–1.1400	(869–026–00097–2)	25.00	Apr. 1, 1995
§§ 1.1401–End	(869–026–00098–1)	33.00	Apr. 1, 1995
2–29	(869–026–00099–9)	25.00	Apr. 1, 1995
30–39	(869–026–00100–6)	18.00	Apr. 1, 1995
40–49	(869–026–00101–4)	14.00	Apr. 1, 1995

Title	Stock Number	Price	Revision Date
50–299	(869–026–00102–2)	14.00	Apr. 1, 1995
300–499	(869–026–00103–1)	24.00	Apr. 1, 1995
*500–599	(869–028–00102–5)	6.00	[4] Apr. 1, 1990
600–End	(869–026–00105–7)	8.00	Apr. 1, 1995
27 Parts:			
1–199	(869–026–00106–5)	37.00	Apr. 1, 1995
200–End	(869–026–00107–3)	13.00	[6] Apr. 1, 1994
28 Parts:			
1-42	(869–026–00108–1)	27.00	July 1, 1995
43-end	(869-026-00109-0)	22.00	July 1, 1995
29 Parts:			
0–99	(869–026–00110–3)	21.00	July 1, 1995
100–499	(869–026–00111–1)	9.50	July 1, 1995
500–899	(869–026–00112–0)	36.00	July 1, 1995
900–1899	(869–026–00113–8)	17.00	July 1, 1995
1900–1910 (§§ 1901.1 to 1910.999)	(869–026–00114–6)	33.00	July 1, 1995
1910 (§§ 1910.1000 to end)	(869–026–00115–4)	22.00	July 1, 1995
1911–1925	(869–026–00116–2)	27.00	July 1, 1995
1926	(869–026–00117–1)	35.00	July 1, 1995
1927–End	(869–026–00118–9)	36.00	July 1, 1995
30 Parts:			
1–199	(869–026–00119–7)	25.00	July 1, 1995
200–699	(869–026–00120–1)	20.00	July 1, 1995
700–End	(869–026–00121–9)	30.00	July 1, 1995
31 Parts:			
0–199	(869–026–00122–7)	15.00	July 1, 1995
200–End	(869–026–00123–5)	25.00	July 1, 1995
32 Parts:			
1–39, Vol. I		15.00	[2] July 1, 1984
1–39, Vol. II		19.00	[2] July 1, 1984
1–39, Vol. III		18.00	[2] July 1, 1984
1–190	(869–026–00124–3)	32.00	July 1, 1995
191–399	(869–026–00125–1)	38.00	July 1, 1995
400–629	(869–026–00126–0)	26.00	July 1, 1995
630–699	(869–026–00127–8)	14.00	[5] July 1, 1991
700–799	(869–026–00128–6)	21.00	July 1, 1995
800–End	(869–026–00129–4)	22.00	July 1, 1995
33 Parts:			
1–124	(869–026–00130–8)	20.00	July 1, 1995
125–199	(869–026–00131–6)	27.00	July 1, 1995
200–End	(869–026–00132–4)	24.00	July 1, 1995
34 Parts:			
1–299	(869–026–00133–2)	25.00	July 1, 1995
300–399	(869–026–00134–1)	21.00	July 1, 1995
400–End	(869–026–00135–9)	37.00	July 5, 1995
35	(869–026–00136–7)	12.00	July 1, 1995
36 Parts			
1–199	(869–026–00137–5)	15.00	July 1, 1995
200–End	(869–026–00138–3)	37.00	July 1, 1995
37	(869–026–00139–1)	20.00	July 1, 1995
38 Parts:			
0–17	(869–026–00140–5)	30.00	July 1, 1995
18–End	(869–026–00141–3)	30.00	July 1, 1995
39	(869–026–00142–1)	17.00	July 1, 1995
40 Parts:			
1–51	(869–026–00143–0)	40.00	July 1, 1995
52	(869–026–00144–8)	39.00	July 1, 1995
53–59	(869–026–00145–6)	11.00	July 1, 1995
60	(869-026-00146-4)	36.00	July 1, 1995
61–71	(869–026–00147–2)	36.00	July 1, 1995
72–85	(869–026–00148–1)	41.00	July 1, 1995
86	(869–026–00149–9)	40.00	July 1, 1995
87–149	(869–026–00150–2)	41.00	July 1, 1995
150–189	(869–026–00151–1)	25.00	July 1, 1995
190–259	(869–026–00152–9)	17.00	July 1, 1995
260–299	(869–026–00153–7)	40.00	July 1, 1995
300–399	(869–026–00154–5)	21.00	July 1, 1995
400–424	(869–026–00155–3)	26.00	July 1, 1995
425–699	(869–026–00156–1)	30.00	July 1, 1995
700–789	(869–026–00157–0)	25.00	July 1, 1995
790–End	(869–026–00158–8)	15.00	July 1, 1995
41 Chapters:			
1, 1–1 to 1–10		13.00	[3] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)		13.00	[3] July 1, 1984
3–6		14.00	[3] July 1, 1984
7		6.00	[3] July 1, 1984
8		4.50	[3] July 1, 1984
9		13.00	[3] July 1, 1984
10–17		9.50	[3] July 1, 1984
18, Vol. I, Parts 1–5		13.00	[3] July 1, 1984
18, Vol. II, Parts 6–19		13.00	[3] July 1, 1984
18, Vol. III, Parts 20–52		13.00	[3] July 1, 1984
19–100		13.00	[3] July 1, 1984
1–100	(869–026–00159–6)	9.50	July 1, 1995
101	(869–026–00160–0)	29.00	July 1, 1995
102–200	(869–026–00161–8)	15.00	July 1, 1995
201–End	(869–026–00162–6)	13.00	July 1, 1995
42 Parts:			
1–399	(869–026–00163–4)	26.00	Oct. 1, 1995
400–429	(869–026–00164–2)	26.00	Oct. 1, 1995
430–End	(869–026–00165–1)	39.00	Oct. 1, 1995
43 Parts:			
1–999	(869–026–00166–9)	23.00	Oct. 1, 1995
1000–3999	(869–026–00167–7)	31.00	Oct. 1, 1995
4000–End	(869–026–00168–5)	15.00	Oct. 1, 1995
44	(869–026–00169–3)	24.00	Oct. 1, 1995
45 Parts:			
1–199	(869–022–00170–7)	22.00	Oct. 1, 1995
200–499	(869–026–00171–5)	14.00	Oct. 1, 1995
500–1199	(869–026–00172–3)	23.00	Oct. 1, 1995
1200–End	(869–026–00173–1)	26.00	Oct. 1, 1995
46 Parts:			
1–40	(869–026–00174–0)	21.00	Oct. 1, 1995
41–69	(869–026–00175–8)	17.00	Oct. 1, 1995
70–89	(869–026–00176–6)	8.50	Oct. 1, 1995
90–139	(869–026–00177–4)	15.00	Oct. 1, 1995
140–155	(869–026–00178–2)	12.00	Oct. 1, 1995
156–165	(869–026–00179–1)	17.00	Oct. 1, 1995
166–199	(869–026–00180–4)	17.00	Oct. 1, 1995
200–499	(869–026–00181–2)	19.00	Oct. 1, 1995
500–End	(869–026–00182–1)	13.00	Oct. 1, 1995
47 Parts:			
0–19	(869–026–00183–9)	25.00	Oct. 1, 1995
20–39	(869–026–00184–7)	21.00	Oct. 1, 1995
40–69	(869–026–00185–5)	14.00	Oct. 1, 1995
70–79	(869–026–00186–3)	24.00	Oct. 1, 1995
80–End	(869–026–00187–1)	30.00	Oct. 1, 1995
48 Chapters:			
1 (Parts 1–51)	(869–026–00188–0)	39.00	Oct. 1, 1995
1 (Parts 52–99)	(869–026–00189–8)	24.00	Oct. 1, 1995
2 (Parts 201–251)	(869–026–00190–1)	17.00	Oct. 1, 1995
2 (Parts 252–299)	(869–026–00191–0)	13.00	Oct. 1, 1995
3–6	(869–026–00192–8)	23.00	Oct. 1, 1995
7–14	(869–026–00193–6)	28.00	Oct. 1, 1995
15–28	(869–026–00194–4)	31.00	Oct. 1, 1995
29–End	(869–026–00195–2)	19.00	Oct. 1, 1995
49 Parts:			
1–99	(869–026–00196–1)	25.00	Oct. 1, 1995
100–177	(869–026–00197–9)	34.00	Oct. 1, 1995
178–199	(869–026–00198–7)	22.00	Oct. 1, 1995
200–399	(869–026–00199–5)	30.00	Oct. 1, 1995
400–999	(869–026–00200–2)	40.00	Oct. 1, 1995
1000–1199	(869–026–00201–1)	18.00	Oct. 1, 1995
1200–End	(869–026–00202–9)	15.00	Oct. 1, 1995
50 Parts:			
1–199	(869–026–00203–7)	26.00	Oct. 1, 1995
200–599	(869–026–00204–5)	22.00	Oct. 1, 1995
600–End	(869–026–00205–3)	27.00	Oct. 1, 1995

Title	Stock Number	Price	Revision Date
CFR Index and Findings Aids	(869–028–00051–7)	35.00	Jan. 1, 1996
Complete 1996 CFR set		883.00	1996
Microfiche CFR Edition:			
Subscription (mailed as issued)		264.00	1996
Individual copies		1.00	1996
Complete set (one-time mailing)		264.00	1995
Complete set (one-time mailing)		244.00	1994
Complete set (one-time mailing)		223.00	1993

[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period Apr. 1, 1990 to Mar. 31, 1996. The CFR volume issued April 1, 1990, should be retained.

[5] No amendments to this volume were promulgated during the period July 1, 1991 to June 30, 1995. The CFR volume issued July 1, 1991, should be retained.

[6] No amendments to this volume were promulgated during the period April 1, 1994 to March 31, 1995. The CFR volume issued April 1, 1994, should be retained.